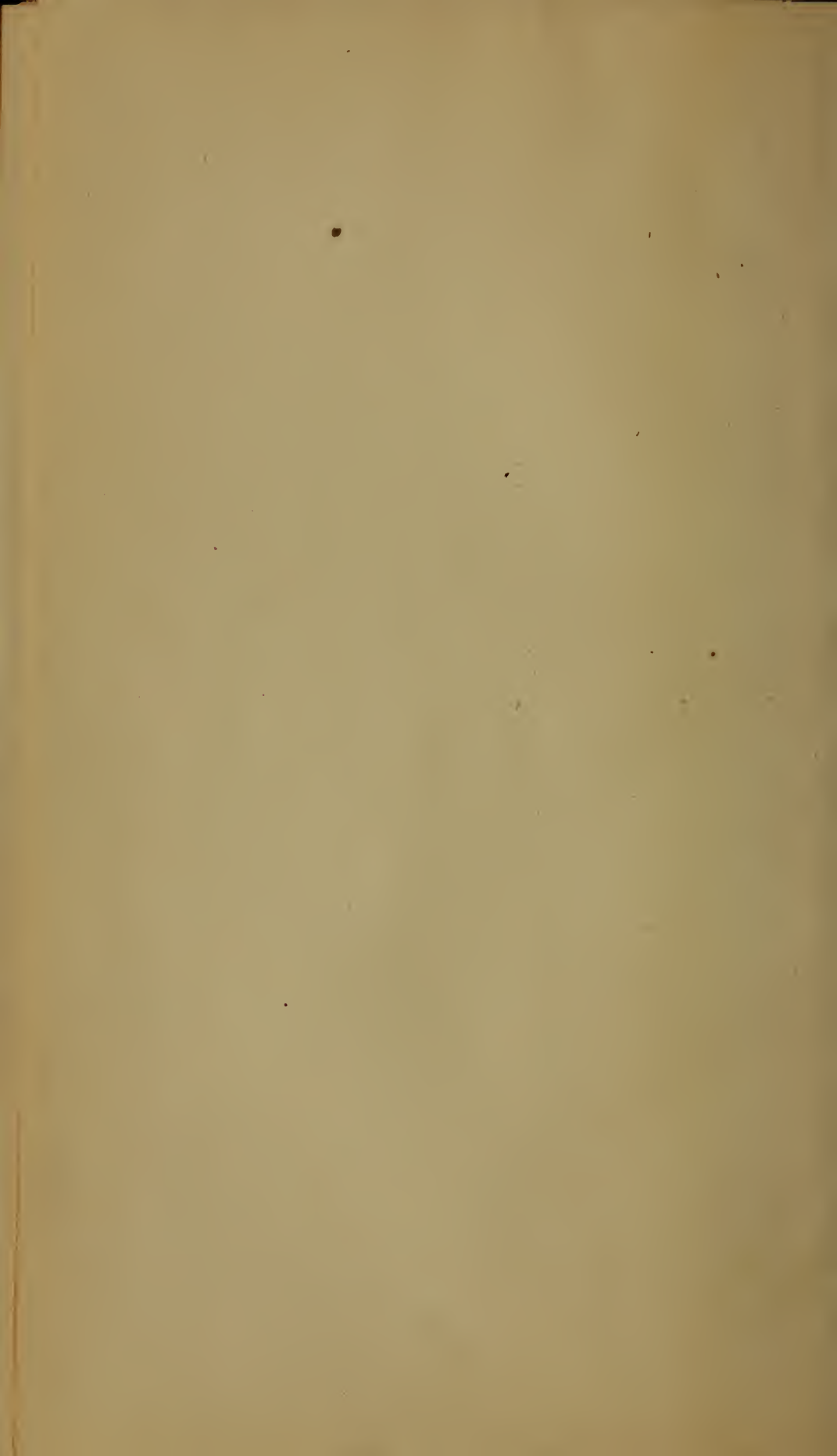


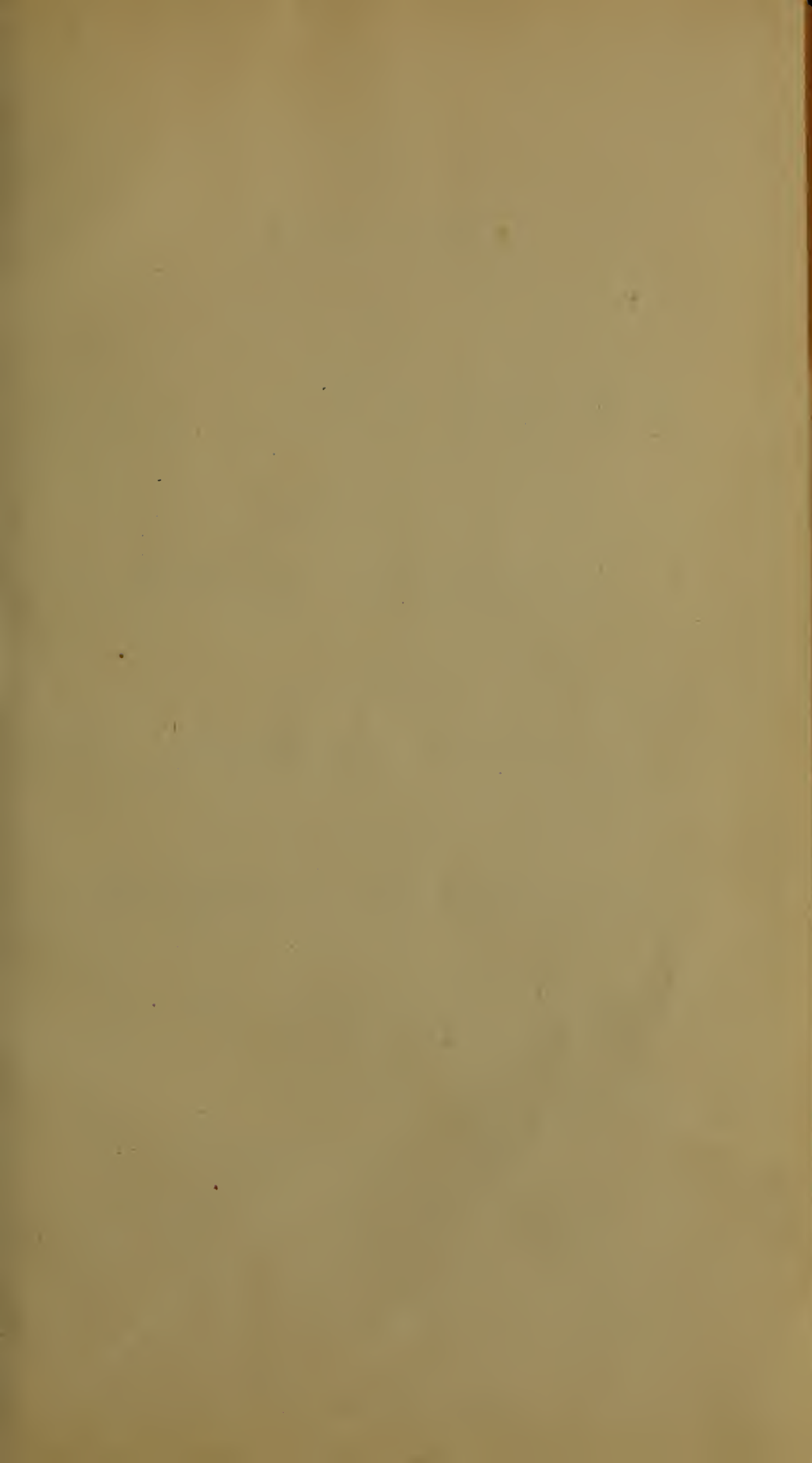
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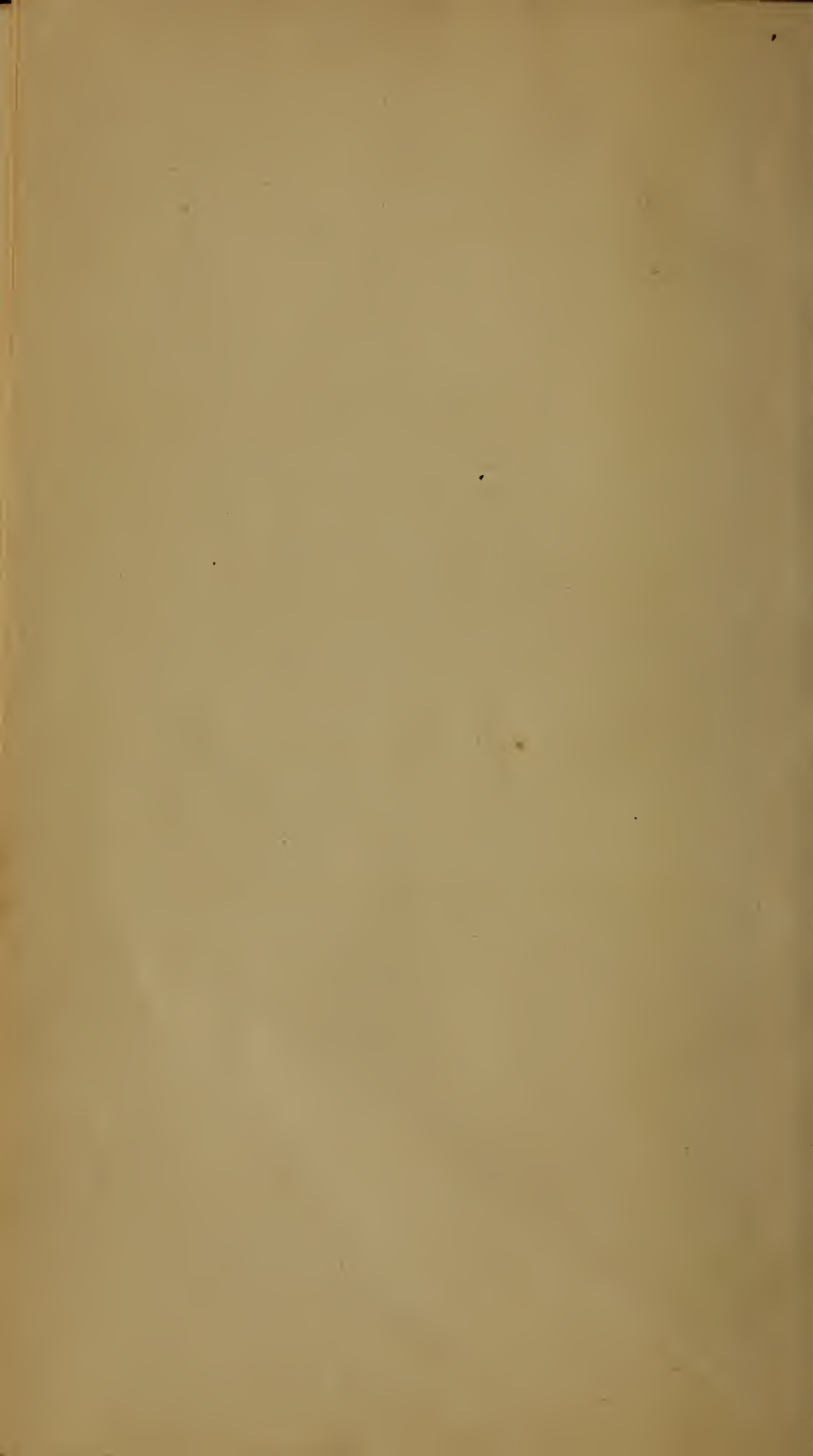
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UNITED STATES OF AMERICA.







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2.6.

THE
ABDUCTION
OF
MARY ANN SMITH,
BY THE
ROMAN CATHOLICS,
AND HER
Imprisonment in a Nunnery,
FOR
BECOMING A PROTESTANT.

BY REV. H. MATTISON, P. P.

Jersey City, N. J.:
PUBLISHED BY THE AUTHOR.

1868.

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A F F I D A V I T.

As pastor of the Church to which Miss Smith belonged, and the prosecutor for her release from imprisonment, I have known all the facts in this case; and having read the following narrative, prepared by Dr. Mattison, am prepared to say that, excepting the false testimony printed therein, it is substantially correct, according to the best of my knowledge and belief.

J. S. GILBERT.

Sworn and subscribed this eleventh day of September, A. D. 1868, before me,

STEPHEN B. RANSOM, Master in Chancery
of New Jersey.

Entered according to Act of Congress, in the year 1868, by
H. MATTISON,
In the Clerk's Office of the United States District Court for the Southern
District of New York.

Rev. "Father Doane."



Roman Catholic Priest, Newark, N. J.

SON OF THE LATE BISHOP DOANE,

"High Church," Protestant Episcopal Bishop of New Jersey.

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INTRODUCTION.

The Roman Catholic Inquisition, or Holy Office, as it is called, is a tribunal established in Roman Catholic countries to search out and try and punish heretics and those who disobey the law of the Church. It still exists in Spain and in Rome, and both in principle and in practice is now seeking to plant itself upon our shores, and to find toleration and legal recognition under the flag and laws of our glorious Union. For wherever any person, old or young, high or low, is seized, shut up, or in any way punished on account of their religious belief, *there* the Inquisition is in active operation. And it makes no difference what the age or sex of the victim may be ; the *principle* is the same. No father, or master, or priest, has either a moral or legal right, in this land of freedom, to seek to make his child a Jew or a Christian, a Romanist or a Protestant, by temporal pains and penalties. And it is to prevent the establishment of such a precedent, and to vindicate religious freedom and the rights of conscience, as well as to release an imprisoned and friendless orphan, that the proceedings herein described have been instituted, and the following chapters written. In Austria, every child of fourteen can choose his or her own religious belief ; and even the "heathen"

of China have just stipulated, by treaty, that "citizens of the United States in China, of every religious persuasion, shall enjoy entire liberty of conscience, and shall be exempt from all disability or persecution on account of their religious faith or worship." And yet the Roman Catholics of this country are imprisoning and half starving people to compel them to become Romanists. For the case herein recorded is only one of several similar cases which are known to exist, and which should be called up and investigated with the least possible delay. But for the present, let the reader carefully ponder the following chapters, not forgetting the apostolic exhortation, "Remember them that are in bonds, as bound with them," and striving to feel and to act accordingly.

CHAPTER I.

Early Life and Conversion of the Abducted Girl.

About the middle of January, 1868, a young girl by the name of Mary Ann Smith, who was living with Mrs. C. L. Brittins—a Methodist family in Newark, N. J.—went to the Franklin Street M. E. Church, of which Rev. James Rogers was pastor, was awakened and happily converted to Christ. She was then a little over fifteen years of age, a bright active girl, of Irish parentage, but altogether American in conversation and manners, and of more than ordinary personal attractions. Her mother died some six years before, since which time Mary Ann has been left to earn her

own living as best she could, and has been out at service most of the time.

Her father and step-mother are both Roman Catholics, neither of whom can read or write, and, though living in a city abounding in the best of free public schools, this poor girl, now a young woman and deeply mortified at the fact, has been so neglected by her intemperate and inhuman Catholic father, that she can neither read nor write; but was trying to learn her letters in a Protestant family at the time of her abduction.

Up to the time of her conversion she had been a devoted Romanist, going to confession to "Father Doane"—the priest by whose order she was finally imprisoned—and praying regularly to the Virgin Mary and to the saints, as all devoted Romanists do. But going for once in her life where God's truth was preached, she was convinced of her sinful and lost condition, and, with a truly penitent and believing heart, sought mercy at the hand of God. At least all the circumstances seemed to indicate this.

Her own account of her conversion is, that being burdened with a sense of guilt as an awakened sinner, and while praying to the Virgin Mary, without finding relief, something seemed to whisper to her, "Why not pray to Jesus Christ? Mary is away up in heaven, and may be she does not hear you. And if she does, may be she cannot relieve you. Jesus is everywhere—why not pray to him?" And she did pray to him, and thus obtained a sweet relief from her burden, and a precious assurance that he had heard her prayer, and forgiven all her sins. She then went to the South

Market Street M. E. Church, of which Rev. J. S. Gilbert, is pastor, related her experience, and united with the Church as a probationer. A few weeks afterwards, for reasons hereafter explained, she left the family of Mr. Brittins, and went to live in another Methodist family. Learning of her conversion and connection with the Methodist Church, "Father Doane," a young Catholic priest of Newark, to whom she had all along confessed, tried to get her into custody on a writ of *habeas corpus*, but his Catholic judge being out of town, he did not succeed.

At this time she was at the house of a Mrs. Fitzgerald—a most exemplary Christian lady, and the mother of Rev. Mr. Fitzgerald of the Newark Conference—where she was not only contented and happy, but was highly appreciated as a modest, well-behaved and faithful servant. She was regularly at her church and Sabbath-school, and not a whisper had ever been breathed against her character, or a suspicion entertained, so far as was known by her Protestant friends. The young people of the Church associated with her as a modest and pure-minded young girl, and communed with her as a sincere and worthy Christian. She had the entire confidence of her pastor, who never had, and has not now the slightest suspicion of her want of integrity or of virtue.

Such were her condition and prospects when the Catholics entered upon the work of abducting her and confining her in a convent, to compel her, by imprisonment, hard labor, hard fare, and despair of ever being released, to renounce the faith of Christ.

CHAPTER II.

The Plot for her Abduction, and How it was Accomplished.

At the time referred to there was living in the family of Mrs. Fitzgerald a Catholic servant girl, and through her the schemes of the inquisitors were carried out. First, Mary Ann was told that a cousin of hers, in Brooklyn, was dead, and to be buried at a certain time; but when she proposed to go, Mrs. Fitzgerald, suspecting some mischief, advised her not to go, and she remained at home. It turned out afterward that the "cousin" was still alive and as well as usual. Then she was told that a child that she loved dearly was very sick, and that she had better go and see it before it died; and either for that purpose or for some other, she went, one afternoon, to the house of Mrs. Carrolton, a Catholic aunt of hers. There she was met by "Father Doane," who, finding her "stubborn," as to giving up her religion, advised them to keep her there till she could be sent to a nunnery in New York. Accordingly, she was locked up in a room, and not allowed to go back to her home at Mrs. Fitzgerald's.

To get her from Newark to the prison, they persuaded her to "go and see the place," under the solemn promise that if she did not wish to enter the "institution" after she had seen it, she might come home with them. But once there, they turned the key upon her, and that was the last she knew of freedom, or of the society of friends, for many long and dreary months.

Her going out that afternoon was the last that was heard or known of her by her Protestant friends for some three months. Her trunk and clothing were left at Mrs. Fitzgerald's, and when inquiry was made by her mistress, as to her whereabouts, she was first told that she was in Brooklyn, then that she was in Jersey City, and finally, that she was at her father's; all of which was false. She had been spirited away, and locked up in a nunnery, where she was kept in confinement all this time. Such is the dependence to be placed upon the word of Catholics, when anything relating to their religion and church is concerned.

CHAPTER III.

The Priest's Confession, and Excuse for his Conduct.

The sudden disappearance of a young girl, under such circumstances naturally awakened no little interest in the community; and in a short time the following appeared, under the head of "Local Matters," in the *Newark Daily Advertiser*:

ALLEGED RELIGIOUS ABDUCTION.—Considerable sensation has been produced by the alleged detention of a young girl from this city in a Roman Catholic institution in New York. It seems that a young girl, about fifteen years old, named Mary A. Smith, the daughter of Roman Catholic parents, professed conversion in the Franklin Street M. E. Church, on the evening of January 16th. She was living at the time in a Protestant family in Jefferson Street. On the 26th of January she joined the South Market Street M. E. Church as a probationer, and often expressed fears of violence from her own family, who, she stated, had become greatly incensed at her change of religious faith.

On the 24th of March she left her place of residence upon an errand, and has not since been seen. Upon investigation of the subject by her Protestant friends, it appears that her father in-

formed her that one of her cousins, an infant, whom she loved, was at the point of death; she went to see it, but instead of the dying child met a priest, by whom she was taken to the "Convent of the Good Shepherd," in New York, where it is alleged that she is restrained of her liberty, and compelled to labor and fast, with no probability of release unless she renounces her Protestant faith, which she manifests no desire to do. Such are the circumstances as they are reported by those of her Protestant friends who have become interested in the subject. It seems that her father, who is her natural and legal guardian during her minority, is the principal party concerned in the transaction, and the presence of the priest seems to imply that he consulted his usual spiritual adviser in reclaiming his child to his own faith.

This "informal explanation" by no means satisfied the public; and Mr. Doane felt himself obliged to appear again in print, and this time over his own signature. Here is his confession and excuse for his conduct:

Alleged Religious Abduction.

MR. EDITOR: I had hoped that the informal explanation in your columns of a startling paragraph, headed "Alleged Religious Abduction," would have been sufficient; but it seems that it was not, at least with one member of the community, and who wrote to you on Saturday evening, who may perhaps represent others. This being the case, I must ask you to publish the following simple statement. I do not intend to enter into any controversy on the matter, but simply to state what I did, and why I did it. My conscience not only acquits me of all blame, but would condemn me if I had acted otherwise. I simply did my duty, and under similar circumstances should do the same again.

WHAT I DID.

Some weeks ago the friends of Mary A. Smith came to see me, telling me that she was giving them a good deal of uneasiness: that she was neglecting her religious duties, being out late at nights, keeping company of which they disapproved, and that the persons with whom she lived were tampering with her faith. I told them to see her and ask her to come and see me. This they attempted to do, but she refused to see them.

I then advised them to get a writ of *habeas corpus*, and gave them a note for that purpose to Judge Teese. The Judge replied that he had not the power to issue a writ of this kind, and referred the friends to Judge Depue. They called upon Judge Depue, but he

was out of town, and would not be back for a day or two. In the meantime the child paid a visit to her aunt, Mrs. Daniel Carrolton, in Lock street, and she sent me word that she was there. I went up to see her, and found her very headstrong and untruthful. Among other things she positively denied having had anything to do with any religious body other than her own. Finding her in this state, and knowing that so long as she was under the influences under which she was, it would be hopeless to attempt to reclaim her, I advised her father to take her to the Sisters of the Good Shepherd, in New York, which he did the following day.

WHY I DID IT.

I advised this course because, as I have stated above, I knew it was useless to try and do anything with her while she was under the influences under which she would be while in Newark, with persons whose motives I do not wish to question, as they, no doubt, thought they were doing a charity to the girl, but whose acts I must condemn, who were alienating her from her friends, and from her faith. Really, if anybody has been trying to proselytize, it is they, and not we, and the cap is on the wrong head. I knew that in the House of the Good Shepherd she would be kindly treated, instructed in her duties, and taught a trade by which she could afterwards support herself. The Sisters of the Good Shepherd, who were established in France many years ago, and who have houses in most of our large cities, and whose worth and usefulness are recognized by all who know them, whether Catholic or Protestant, devote themselves to the *reformation* of poor girls who have abandoned the path of virtue, and to the *preservation* of others who show a disposition to evil, and the *correction* of disobedient and incorrigible children. Of both classes, they have at present, in their house in New York, three hundred—of course, kept entirely distinct. I have visited the child since she went there, and found her well pleased with the Sisters, and the Sisters in hopes that she would profit by their care and advice. I need hardly add that all stories of unkind or harsh treatment are absolutely false.

Really it seems to me that this matter is being carried a little too far, the people of Newark being led to believe that some frightful act of injustice has been committed under the direction of a "priest," when a Catholic father has simply removed his child from what he considered dangerous influences, and placed her in what is nothing more than a Reformatory School.

I offered the other day, through you, to give any respectable person a note of introduction to the Sisters, but no one has applied for it. It seems to me that before any one else interferes in this matter, they had better inform themselves thoroughly about it, or otherwise let it alone.

My motive before for requesting you to correct the statement that had been made, editorially, was by no means an unwillingness to be known as the "priest" who had been spoken of, but to avoid controversy, for which I have no time; but as your correspondent seems to insinuate that I have been endeavoring to keep in the background, for purposes of my own, I subscribe my name to this simple statement of facts.

G. H. DOANE.

The Cathedral, Newark, May 4, 1868.

Now, let the reader note the following points in this letter :

1. Mr. Doane pleads "conscience" for his ungodly transaction. "My conscience not only acquits me of all blame, but would condemn me if I had acted otherwise." We see by this what sort of a "conscience" Romanism gives to its votaries, and even to its priests.

2. Mark, under "What I Did," that the only complaint is, that Miss Smith was neglecting her "religious duties," that is, the confessional, &c.; that her faith was being tampered with. The worst thing alleged was, that she was "out late at nights," which was utterly untrue, as was proved on the trial, except as she was sometimes out a little after nine o'clock, at her class or prayer meetings.

3. Note in the account of the visit to Mrs. Carrollton's, the Catholic aunt, how the plot, and the locking-up, are all concealed.

4. Notice that Mary Ann was "headstrong and untruthful;"—headstrong in that she refused to renounce her Protestantism; and yet denying "having had anything to do with any religious body but her own!" Is not that a consistent story!

5. He admits that he "advised" all that was done; and he should have said *instigated* it all; for it can be proved that her father said more than once during the

trial that it was not his doings—that it was all done by the priest, though the father's name was used in the proceedings.

6. Note especially the three departments of the nunnery, the last of which is for “the *correction* of disobedient and incorrigible children,” such as he declares Mary Ann to be, because she would not renounce her religion at the priest's bidding.

7. He says the “poor girls who have abandoned the path of virtue,” (that is, Catholic prostitutes taken from the streets of New York, all of whom are in good and regular standing in “*the church*,”) are “kept entirely distinct” from the others; but Miss Smith testified, in court, that she labored, and eat, and slept, with these abandoned women, and Doane did not even attempt to contradict her.

8. Observe that Mr. Doane affirms that Mary Ann was “well pleased with the Sisters,” and that “all stories of unkind or harsh treatment are absolutely false.” Both these assertions Miss Smith contradicts under oath. She is not and never has been “well pleased” with anything about the nunnery; instead of kind treatment, she swears that she has to work twelve hours a day, and is fed largely or mainly upon mush and stale bread and molasses. If this is not “harsh treatment” for a girl of fifteen, we should like to know what would be.

9. Finally, notice that in all this letter, in justification of the abduction, while every available plea is employed, *there is not an intimation* that Miss Smith is dissolute, or that she was placed in confinement to reform her from a vicious course of life. No such thing

was at that time *thought* of by priest or father. The whole tenor of the letter shows that she was kidnapped and confined, to take her away from Protestant friends and influences, and to compel her to become a Catholic by confinement and inquisitorial "correction."

CHAPTER IV.

Commencement of Proceedings for the release of the Prisoner.

The Methodist Preachers' Meeting of Newark, having learned where Mary Ann was, and how she came there, appointed a committee to sue out a writ of *habeas corpus*, and bring her before a Judge in New York, where the nunnery is located. This was done on the oath of Rev. J. S. Gilbert, her pastor.

Petition for the Writ.

To the Supreme Court of the State of New York:

The petition of Jesse S. Gilbert shows that Mary Ann Smith is now a prisoner, and is imprisoned and restrained of her liberty in the Convent of the Good Shepherd, in the city of New York, by the Lady Superior, Mother, or other person having the charge of said convent.

That the place where the said Mary Ann Smith is detained and imprisoned, is otherwise called the House of the Good Shepherd; that she is not committed or detained by virtue of any process issued by any Court of the United States, or by any Judge thereof; nor is she committed or detained by virtue of the final judgment or decree of any competent tribunal of civil or criminal jurisdiction, or by virtue of any execution issued upon such judgment or decree.

That the cause or pretence of detention and imprisonment, according to the best of the knowledge and belief of your petitioner is, that the said Mary Ann Smith, whose parents belong to the

Roman Catholic Church, recently united with the Methodist Episcopal Church, and your petitioner knows of no other cause of detention, and verily believes that there is no other.

That the said Mary Ann Smith is about sixteen years of age, and that your petitioner is a citizen of the State of New Jersey; wherefore your petitioner prays that a writ of *habeas corpus* issue directed to the Lady Superior, Reverend Mother, or other person having the charge or control of the said Convent of the Good Shepherd, in the city of New York, commanding him or her to produce the body of the said Mary Ann Smith before this Honorable Court, on such day and hour, and at such place as this Honorable Court may appoint.

Dated the 9th day of June, 1868.

JESSE S. GILBERT.

City and County of New York, ss.:

Jesse S. Gilbert, being duly sworn, doth depose and say that the facts set forth in the above petition subscribed by him are true.

JESSE S. GILBERT.



Sworn to before me this 9th day of June, 1868,
JOHN BUTCHER, *Notary Public*.

The Writ of Habeas Corpus.

The People of the State of New York to the Lady Superior, Reverend Mother, or other person having the charge of the Convent of the Good Shepherd, otherwise called the House of the Good Shepherd, in the City of New York, *Greeting*: We command you that you have the body of Mary Ann Smith, by you imprisoned and detained, as it is said, together with the time and cause of such imprisonment and detention, by whatsoever name she shall be called or charged before the Supreme Court, at a Special Term thereof, to be held in and for the City and County of New York, at the City Hall, in said city, on the fifteenth day of June, 1868, at eleven o'clock in the forenoon, to do and receive what shall then and there be considered concerning her, and have you then there this writ.

[L. S.]

Witness, Hon. D. P. Ingraham, one of the Justices of said Court, the 10th day of June, one thousand eight hundred and sixty-eight. Lord & Skidmore, Plaintiff's Attorneys, 55 Liberty street, N. Y. By the Court, Chas. E. Loew, Clerk.

(Endorsed.)

This writ is hereby allowed.

N. Y., 10th June, 1868,

D. P. INGRAHAM, *Justice*.

Service of the Writ.

(Endorsed.)

STATE OF NEW YORK,

City and County of New York, ss.:

Peter Coyle, of said city, being duly sworn, says: That on the 13th day of June, 1868, he served an original writ of *habeas corpus*, of which the within is a copy, by delivering the said original writ to, and leaving the same with the Lady Superior of the House (or Convent) of the Good Shepherd, at the said house or convent, in the city of New York; the person so served being the person at that time in charge of said house or convent; and that this deponent is an elector in the said city and county of New York.

PETER COYLE.

Sworn to before me, this 15th day of June, 1868,

LEMUEL SKIDMORE, *Notary Public*,

New York City and County.

Answer of Defendants to the Writ.

SUPREME COURT OF THE STATE OF NEW YORK.

In the matter of the proceeding by *habeas corpus* in behalf of
MARY ANN SMITH.

In obedience to the writ of *habeas corpus* allowed by this honorable Court in the above proceeding, comes Sister Mary Francis, and for return to said writ respectfully shows, that the said Mary Ann Smith, in said writ mentioned, is in the custody of the said Sister; that the said Mary Ann Smith is an infant, under the age of twenty-one years, to wit, of the age of between fifteen and sixteen years; that on or about the — day of March, 1868, the said Mary Ann was brought by James Smith, her father, and natural guardian to the House of the Good Shepherd, so called, and by him was then and there placed in the custody of the Lady Superior. The said Mary Ann had previously thereto, of her own propensity, and without the consent of her said father, abandoned her home with her said father and the society of her relatives and family, and had commenced a wicked and degraded course of life, keeping bad company, resorting to disreputable places, and being on the

streets in the city of Newark at late and unreasonable hours of the night; that the said Mary Ann was heedless of the entreaties of her said father and of the solicitations of her relatives and friends to return to her home, but that she continued her life of wickedness, and apprehensive of evil befalling his said child and to avert her ruin and shame, he brought her to this House, where by his authority she is now detained for instruction and moral guidance; that from the actions, language, and disposition of the said Mary Ann, she is, in the opinion of said Sister Mary Francis, a proper subject for restraint; that as the said Sister Mary Francis is informed and verily believes, the foregoing is the true cause of the detention of the said Mary Ann, and not, as in the petition for said writ alleged, that said child recently united herself with the Methodist Episcopal church; that the said House of the Good Shepherd is not a religious, sectarian or proselytising institution, but is an eleemosynary institution, incorporated under the laws of this State, having for its object the custody of unprotected, wayward, or viciously disposed females, the reclamation of the dissolute, and moral training of youth; that one of the especial guardianship of young girls of previous rectitude who evince an inclination to waywardness, that such are especially protected, instructed, trained to habits of industry, and in them the admiration of charity and love of purity is inculcated; that among the inmates of the House there are those of all denominations; Catholics and Protestants are alike received and nurtured, and no interference with their religious belief is permitted.

SISTER MARY FRANCIS.

City and County of New York, ss:

Sister Mary Francis, being duly sworn, says, that the foregoing return by her submitted is true of her own knowledge, except as to matters therein stated on information and belief, and as to those matters she believes it to be true.

SISTER MARY FRANCIS.

Sworn to before me, this 19th day of June, 1868,
W. T. MCGRAFF, Notary Public.

The foregoing return having been duly read and filed, the Court suggested that notice of the proceeding should be given to the father of the said Mary Ann Smith, which notice was given, and the father appeared in Court by counsel and adopted the notice as his own, and thereupon the relator and the respondent proceeded to take proof of the facts alleged in the said writ and in the return thereto, pursuant to the order of the Court, as follows:

This "answer," prepared by the Catholic lawyer,

adopted by the father as true, and sworn to by "Sister Mary Francis," (an assumed name, no doubt, such as all nuns wear) is worthy of special notice.

1. It alleges that she had "abandoned her home with her said father," without his consent—a fact which neither her father nor any one else intimates was true, in all the investigation. She was living out as a servant in one of the best families in Newark, contented and happy, with the full knowledge and consent of her father, as she had been living out in various places for four or five years. Why, then, this falsehood deliberately written and sworn to?

2. "Sister Mary Francis" is informed and believes that Mary Ann is not imprisoned for uniting with the M. E. Church. Of course they must deny this.

3. She swears that "the House of the Good Shepherd is not a religious, sectarian, or proselytizing institution, but an institution incorporated under the laws of this State, having for its object the custody of unprotected, wayward and viciously disposed females, etc." And yet persons are sent there from beyond the State, on the order of Catholic priests, and no Protestant, not even the Governor of the State, could get into it without a "permit" from one of these "sectarian" priests. It is to all intents and purposes a Roman Catholic nunnery, used to coerce converted Catholics back to Romanism; the facts being that a fraud has been committed on the Legislature and the Protestant tax-payers of the State, and a charter obtained for a professedly public charitable institution, and \$25,000 a year appropriated for its support from the State treasury, when it is a Roman Catholic nunnery. The

inmates pay all the expenses by their labor, and the \$25,000 a year goes to help build Roman Catholic cathedrals, or for other sectarian purposes. Of all this the public will have abundant proof in due time.

4. It is affirmed that "Catholics and Protestants are alike received and nurtured." Yes. Mary Ann Smith was a Protestant, and we know how she has been "received and nurtured." And she also testifies that other "Protestants" are confined there for the same purpose that she is, namely, to compel them to go back to Romanism. It is simply a branch of the Inquisition in this country, to search out "heretics," and by temporal pains and penalties, to compel them to recant and go back to Popery. Ought not the public to know who these "Protestants" are, and what *they* say about their imprisonment? And will the people of New York continue to support that Catholic prison, or even allow of any place where persons are confined within the State, but to which none but Roman Catholics can have access? If they will, our religious liberties are already gone, and the Inquisition is established in the country, and that, too, at the expense of the State.

5. It is affirmed that "no interference with their religious belief is permitted." Well, so they say of all their nunneries and schools; and yet seven-tenths of all who go even to their schools become Catholics. But in this case the statement is absolutely false. The writer heard Mary Ann, who is a Protestant, say, the day she was remanded last to her dungeon, that she was *compelled* to worship in the Catholic way, but that in her heart she worshiped God in her own way.

This she said openly before "Sister Mary Francis" and other nuns, and no one contradicted her. We believe, therefore, that in this particular, also, the Answer is altogether untrue. Let us now pass to the court-room and the testimony.

CHAPTER V.

Father Doane, the Mother Superior and Mary Ann in Court.

The writ of *habeas corpus* was issued June 10th, and directed to the "Reverend Mother" of the Convent of the Good Shepherd. (?) It was returnable, June 15th, at 10 A. M., before Judge Ingraham, of the Supreme Court, in Chambers. At the appointed time all parties appeared in Court, but the investigation was adjourned to the 17th, at the same hour. Mary Ann was then produced in court under the care of several "Sisters" in their nun's attire, and "Father Doane," and other Catholics were in attendance. The case was opened by taking the testimony of Miss Smith, the imprisoned girl, which was as follows:

SUPREME COURT.

THE PEOPLE OF THE STATE OF NEW YORK, on relation of Jesse S. Gilbert, *against* The Lady Superior, or Reverend Mother, having charge of the Convent of the Good Shepherd in the City of New York.

Mary Ann Smith.

City and County of New York, ss:

MARY ANN SMITH, being duly sworn, deposes and says: I am

in my sixteenth year. I will be sixteen some time next winter. I have been in the convent or house of the Good Shepherd a week before April last. I was brought there by my father and my aunt. I went out to purchase some muslin, and I intended on the way to stop and see one of my aunts, who lives in Plain Street. I stopped there, and then went on to see my other aunt, who is present. I was living out at service with Mrs. Fitzgerald at the time I went out to purchase the muslin. I stopped on the way at my aunt's house, who lives in Block street, and there I found my aunt and my cousin. I stopped merely for a visit. Presently, while I was there, the priest came in and asked me to go to the house of the Good Shepherd. I would not consent to go. He asked me if I went to the Protestant church, and then asked me to come to the House of the Good Shepherd. I told him I went to the Protestant church. In the latter part of last winter I joined the Methodist church in Newark on probation. I had been working in the shop and living out at a place for about five years since my mother died. I worked at my uncle's tailor-shop, and then went to a place at Red Bank, and lived there three months; then I came from that place to Mr. Brittins, and lived there about four months, and from that to Mrs. Fitzgeralds, and lived there not quite a month. I was converted, and joined the church while I was at Mr. Brittins. My family, I believe, heard about it before I left Mr. Brittins, and afterwards they mentioned it to me several times—my family I mean. They asked me, "Where was I going, and did I want to sell myself to the devil to go to a Protestant church?" They asked me to come to see them one Sunday evening. I went, and the mother of the young lady present, Mrs. Gregory, went with me; they said nothing at all about my joining the church while she was with me. The Sunday evening before I came away to the House of the Good Shepherd, my aunt said I was a "noble lady." I was then just coming from Sunday-school.

At that time I was at my aunt's house in Newark, when I was taken to the convent of the Good Shepherd, the priest, I believe, sent for my father, and then my father came that night, and my father and my aunt took me to the House of the Good Shepherd. They asked me to come and see the place, and then when they got me there they would not let me go away. I did not want to go to the convent, but went merely to oblige them, to see the place; they said if I did not like it, they would let me come back. I am now detained at said House against my will. They wont—that is, the sisters—wont let me out, and they won't tell me how long I am to stay. I have associated with one or two of the girls there, who were put in for the same reason as myself, for changing their faith. Most of the girls there are abandoned girls, and also women of all ages; they have mostly as far as I know been put in for crime and dissipation, and some of them came from Blackwell's Island; they are the commonest kind of women. All these girls

and women of whom I speak, eat and drink at the same refectory and sleep in the same dormitory. They are round about me all the time, though I strive to avoid them. Sometimes they speak to me, and then I merely answer them; but there is every facility of association among all the inmates of the House, confined for whatever cause, except that they are divided into three classes: one for the little children, the other class is a religious Order, and the third consists of girls and women committed to the care of the institution by the magistrates or by their friends; most of those in this third class are committed by the magistrates, and the rest are sent by lines from their priest. I don't like the association of the girls in my class, and consider them very unfit companions. Many of them use very bad language when the Sisters are absent. When I first went to the House I could not eat the provisions, and I still find them very hard to eat, they are so poor. They give us a mug of coffee in the morning and two pieces of very poor bread; then for dinner, sometimes milk and oftener mush and molasses, or mush and milk; for tea, we have bread and tea with poor and often rancid butter and sometimes cold meat. My father has been to see me only once since I was there.

Before I joined the Methodist church, my friends had accused me of being wild. About last July my aunt said I took ten dollars out of her band-box, and my uncle would not pay my wages in consequence. I never took the money, and the charge was entirely false. I had been a giddy girl, but since I joined the church I lived consistently, and for a good while before I tried to do right.

her
MARY ANN ✕ SMITH.
mark.

Subscribed and sworn to before me, this 17th day of June,
1868. D. P. INGRAHAM, *Justice*.

This is all the testimony that was taken the first day, when the case was adjourned over to the 19th. Upon this testimony let the reader notice—

1. That the crime for which she was abducted was, "selling herself to the Devil," by going to a Protestant church.
2. Notice that the priest sent for her father to incite him to do what he did.
3. Notice how they deceived and lied to her to get her into the place of confinement.

4. The *fare* which she had, in an institution to which the State gives twenty-five thousand dollars a year, and Doane himself says the inmates—three hundred in number—earn two thousand dollars a month,—all it costs to sustain it.

5. Observe that parties are sent there on the order of *Romish priests*, and that it is to all intents and purposes a *nunnery*, no one being allowed to enter it without a permit from a priest; and yet the "Mother Superior" swears, in the return to the writ, that it is "not a religious institution!" Will the Protestants of the State of New York continue to support this Roman Catholic nunnery and prison for Protestants?

On the 19th the Court convened, and the case was again called.

John S. Brittins.

JOHN S. BRITTINS, being duly sworn, says: I reside at 119 Jefferson street, Newark, N. J. My business is painting and teaching music. I am acquainted with Mary Ann Smith named in the writ of habeas corpus. She was in my employ. She came to my house the first of November, 1867, and was there until the third of March following. Have seen her since occasionally up to the time she was taken away. She boarded with my family and roomed with my daughter and a young lady who was boarding with me. I never saw a more modest, chaste, and circumspect young girl than she was in her deportment and conversation. She was at my house the most of the time. She spent most of her evenings at home sewing for herself. I always found her to be truthful. I paid her seven dollars a month; paid her wages to herself, and she requested us to keep them until she had enough to buy her some clothes. Her father knew she was with us, but never made any claim for her wages.

Cross-examined by T. O'Connor, attorney for Respondent: I have known Mary Ann since first of November, 1867. I don't know her family at all. Have had no intercourse with her family. Don't know what their circumstances are. I am a married man—have a wife and five children. Mary Ann was in the house as an assistant to my wife, self, son, and daughter, and three small children. Kept no other help than Mary Ann. Am a teacher and

am engaged out during the day. I don't lock up my house ; I leave one door open. I retire between eleven and twelve o'clock ; anybody can go out at night without my knowledge. I am up and down all night. Have been diseased several years—affection of the kidneys. Mary Ann roomed with my daughter, seventeen years of age, and a lady about twenty-eight. I arise in the morning by five or six o'clock. Have no other means of knowing that the girls are in the house all night than their presence in the morning. Mary Ann is in the habit of assisting me. There have been days when I was away from home a day or so, and sometimes I stay away over night. I staid away not over two nights while she was there. I spend my days partly at home ; when I am at home, I am in all parts of the house. My evenings are generally occupied teaching. The girls are not always in my immediate presence. Their evenings are spent at church and at home. I don't go to church with them ; they leave the house to go to church ; they go to the Methodist church, and come home when the meeting is out. Mary Ann is an industrious girl, she is expert at sewing, cuts and makes her own dresses. I am no judge of what she can earn. I would be willing to give her her board and a couple of dollars per week for her sewing.

J. S. BRITTINS.

Sworn to before me, this 19th day of June, 1868,

D. P. INGRAHAM, *Justice*.

Such is the testimony of the man in whose family Miss Smith lived at the time of the conversion. "I never saw a more modest, chaste, and circumspect young girl than she was in her deportment and conversation." Mark, also, the wages, seven dollars a month for a girl of fifteen. And still further, that the father of Mary Ann made no complaint, so long as she was a Romanist, and confessed to "Father Doane" every month, as she did regularly up to the time of her conversion.

Mr. Brittins and his wife are members in good standing in the Franklin Street M. E. Church, and without a stain or a suspicion upon their character ; and yet see how the Catholic lawyer tried, in the cross-

examination, to fix a suspicion upon *them* in some way, as if they kept a disorderly house !

For the clearer apprehension of the case, we insert the testimony of Mrs. Brittins next, though not taken till the 25th :

Catherine L. Brittins.

CATHERINE L. BRITTINS, a witness produced and sworn on behalf of plaintiff, deposes as follows: I reside at Newark. Am married, and have kept house ten years in Newark. I know Mary Ann Smith now present. She lived with me four months from the first day of last November till the fourth of last March. She lived in my house as a servant; her character during that time was good. I never detected her in lying and stealing, or in any other bad conduct. I never knew her to keep bad company or late hours. I knew of her joining the Methodist church at Newark; it was in January or February. I never heard any bad reports of Mary Ann. Her behaviour in my house was particularly modest. There were during the time of her stay there, two young men living in my house, my son and a boarder, also another boarder who stayed part of the time. I never observed any improper conduct on the part of Mary Ann towards these young men or any of them.

I never suspected any such conduct. The reason I parted with Mary Ann was, that my boarders left and I had no further work for her. That was the only reason. As far as I know her character was good. I never heard any bad report of her. I never had reason to suspect her chastity. I am a member of the Methodist church Mary joined.

Cross-examined: I have kept boarders more or less ever since I kept house. I gave Mary Ann seven dollars per month. There were two young men boarders and my son when Mary Ann lived with me. Wm. Gilbert used to visit my house when Mary Ann was there. I saw him talk to her once. I could not say as to whether any other young men called. Mary Ann might have been out once or twice at eleven o'clock. I could not say. I went to bed from ten to eleven. I have no reason to think she went out after she went up stairs to go to bed. Mary Ann was sick for a day or two while she was in my house. One time she had a fainting fit and was unwell all the next day. I know she took medical specifics, while she was in my house, that she got from the doctor. I don't know whether the medicines were preventives of pregnancy or not. Mary Ann told me they were for a pain in the side. I never examined the bottles or the labels on the medicines. I kept no other help while Mary Ann was there. Mary Ann slept in the room with my daughter. She is seventeen years old. I saw Mary

Ann only once since she left me; it was about a week after she came to my house after her clothes. I know nothing of her of my own knowledge since she left me. I never made any inquiries as to her character. My husband hired her from an Intelligence Office in Newark. She was converted to Methodism while she was in my house.

CATHERINE L. BRITTINS.

Sworn to before me, this 25th day of June, 1868,

D. P. INGRAHAM, *Justice*.

Such is the testimony of the two reputable members of the M. E. Church, in whose family she lived for four months and was living at the time of her conversion, as to her deportment while with them, and her general character. She was sick while there, and like other poor girls, instead of sending for a doctor, went to one herself, got some medicine, brought it home and took it. That is all that part of the case; and yet the reader can see the *object* of drawing out that part in the examination.

The next witness called was "Father Doane," a plethoric young Catholic priest, who had been the "Father Confessor" of Miss Smith up to the time of her conversion.

Rev. George H. Doane.

GEORGE H. DOANE, called as a witness for the Respondent, and examined this 19th day of June, 1868, and is to be sworn before the Court hereafter, says: I reside in Newark, N. J. Am pastor of the Catholic Cathedral in that city; have been there nearly eleven years. I am acquainted with James Smith. I know Mary Ann Smith, the person named in the writ of habeas corpus. I have known her some time. She was admonished by me some time ago. Mary Ann Smith is a disobedient, stubborn, and an un-instructed, very ignorant person. She is devoid of natural affection. I saw her in Newark the evening before she came to the House of the Good Shepherd, which was about the 24th of March. She was sullen and would not listen to anything. She is a person who does not seem capable of reasoning. I think she is carried away by her

inclinations. The more I see of the girl, she seems to be of the nature of India-rubber, unimpressionable.

Cross-examined by Mr. Lord: Please look at this communication marked, "G. W. D. and T. O'C." I wrote this article, and furnished it to the *Newark Daily Advertiser* for publication. The facts stated in it are true, with the exception with regard to their attempting to see her, and her refusing, which I then believed to be true.

Mary Ann was taken to the Convent from her aunt's, Mrs. Carrolton's. She was told by Wm. McDonald that her cousin's child was there sick. I was notified that Mary Ann was there and went to see her. I left her at Mrs. Carrolton's. I advised them to keep her there until her father should see her, to save her from the danger she was exposed to of her losing her faith and morals. I had heard that she had joined the Methodist church in Newark, or was thinking of doing it; that is what I mean when I say I think she was in danger of losing her faith. Mary Ann denied to me that she had received communion in the Methodist church.

G. H. DOANE.

Sworn to before me, this 22d day of June, 1868,

D. P. INGRAHAM, *Justice*.

This testimony is worthy of special notice.

1. The document shown to Doane, by Mr. Lord, was the article published by the former in the *Newark Daily Advertiser*, already inserted in this history on pages 11 and 12. It thus becomes part of the testimony of Mr. Doane, but need not be reprinted here.

2. Do not fail to observe that from first to last, here and in the article referred to, there is not an *intimation* of any misconduct on the part of this poor motherless girl, except that she had left the Catholics, and had become a Protestant. It was not that she was already dissolute, but was *in danger* of "losing her faith and morals," which, when, interpreted by Doane, meant that she was in danger of joining the M. E. Church!

3. She was very "disobedient," "stubborn," and "sullen," and "would not listen to anything;" all of

which means, she was *firm in the faith of Christ*, and would not renounce her Saviour, and go back to Popery, at the bidding of a petty little upstart of a Catholic priest. All such "stubbornness" and "disobedience," is *holiness and faithfulness to Christ* in the sight of God—precisely what brought Huss and Jerome and Ridley and Cranmer and Latimer and John Rogers, to the stake or to the flames. They, too, were all "disobedient," and "stubborn," and so their Catholic murderers all testified. O for more of this spirit of the old martyrs among the Protestants of our own times and land!

4. See how this priest seems to delight in blackening the character of this friendless "child"—as he called her—he who ought to have been to her as a father and protector, struggles to say all he possibly can against her, both here and elsewhere. And yet, how little he can allege, which every true Christian will not commend. She is "an uninstructed, very ignorant person." Indeed! And whose fault is that? You, "Father Doane," have been her pastor eleven years, that is, for six years before her mother died. I presume you knew her mother. She has confessed to you for years, and from six to fifteen you have known that she was growing up in a city of free schools without knowing her letters. You have taken her money and that of her father, for your church purposes, but have let her grow up in this free land without learning to read; and now, you turn around and reproach her for her ignorance! Shame on you, for thus neglecting the lambs of your flock, even the orphans, and then abusing *them* for your own heartless negligence. Thus

Romanism cares for the education of her children. No matter for reading and writing; if they only go to confession, hate Protestants, and pay the priest.

5. Note that Doane admits that he "advised them to keep her there," etc., till her father could see her. For as yet her father had no anxiety about her. It was the *priest* who was anxious, and had already planned her abduction, and only desired the sanction of her father. And it can be proved that the father said, during the trial, "this is not my doings. It is the *priest* that told me to do it."

6. Observe, that Doane states what Mary Ann also affirms, but which she forgot to state in her testimony, that she was decoyed to the house of her aunt by the fact that, "she was told by Wm. McDonald that her cousin's child was sick." This was the trick to get her to her aunt's house. When there, Doane was sent for, and did his best to make her recant; but as she remained "disobedient and stubborn," he advised that she be kept there. She was accordingly locked up; her father was sent for to get his consent, and the use of his name for the dark and unholy deed, and the next day, by the use of deception and lies, she was seduced into the inquisitorial dungeon in New York, where she remained for months until brought out on the writ of *habeas corpus*.

So much for the testimony of "Father Doane," at the close of which the case was adjourned over to the 24th of June.

Osee M. Fitzgerald.

OSEE M. FITZGERALD, being duly sworn, says: I reside in Newark, N. J., No. 154 Mulberry street. I am married, and my hus-

band is living. I know Mary Ann Smith named in the writ. She resided with me; she came with me about the third day of March, 1868. She remained with me until the 24th of March, the day she was taken away. She was with me as a cook; she roomed with my chambermaid. She was home evenings whilst she was with me, except one evening a week, when she was at church. When she came she asked me for one evening a week to attend church. I agreed to give her six dollars per month, and had one other hired girl, and one who came in occasionally. She was obedient and agreeable whilst with me; she behaved herself with great propriety and consistency—more than usually so. She appeared to be perfectly virtuous, and her associations were good so far as I knew. Her wages were paid to her up to the time when she left; there was a small balance due her which was paid to her mother after she left.

Cross-examined: I first became acquainted with her when she came to live with me. She was recommended to me by a Mrs. Gregory. Mrs. Gregory is a housekeeper; she was my cook; she was engaged more or less all the day. I kept a chambermaid, Margaret Lannon, over thirty years of age. I close my house at ten o'clock at night. My servant girls are required to be in at that hour. My chambermaid has been out two or three times all night while she lived with me. Mary Ann kept no company while she was with me. She went to church one evening in the week; she went alone I presume. I don't know that she went to church. She brought no company to the house, except one evening a young gentleman came in the house with her. I don't know what company she kept when she was not in the house. I did not know what her character was previously to her coming to my house. I did not know her before. I did not know her family till her father came to my house for her. Her work was done about eight o'clock in the evening generally. I have two nephews living with me besides my own family, two sons and a daughter. I could not say what time the girls go to bed. I generally retire at from nine to ten o'clock. The girls are required to be in their rooms at ten. If they are out twice after that hour we dismiss them. The young gentlemen are home sometimes all the evening, and sometimes not till quite late. I am not in the habit of seeing my girls to bed; I don't know that they are in their rooms; my husband generally locks up. The girls can be out without my knowing it, but could not get in again unknown. I was not always in my kitchen, and do not treat the girls as of my family. I had no thought of this affair or I should have watched her to ascertain her character. Her father took her away from me.

Re-examined by Mr. Lord: Whilst Mary Ann Smith was with me, I believed, and I now believe, that she is a girl of good moral character. When I say, I do not know her previous character, I

mean of my own knowledge; the report which Mrs. Gregory, her former acquaintance, gave me of her was good.

I do know that the girls go to their rooms, and I believe that it is impossible for them to leave their rooms after they return to them without my knowledge. I do not mean that her father took her from my house, but that she was taken away before her time was up.

Re-cross-examined: On Thursday, about the 24th of March, Mary Ann asked me leave to go to the store to change a dress, and said she would be gone about an hour, and has never come back. I think she was influenced by Margaret Lannon, my chambermaid; she, Margaret Lannon, has proved herself a base girl, and, as I am informed, she has been to the Island, and has had an illegitimate child. I thought she was pregnant while she was with me, and told her about it, but she told me that she was to get medicine from a doctor that would make her all right. I let her go from my house because I thought she was in the familyway, and I did not want her in my employ. I did not send her away, but let her go. Mary Ann roomed and slept with her while she was with me. They were considerably together; they did not go out together, as it is not our rule for both to be out at once. Margaret Lannon lived with me in my house for over a year. She said she was not married, but that she was engaged to a man who used to visit her at my house. Margaret Lannon appeared to be a very nice girl previous to this affair, and during all the time she was with me I thought, until this occurrence, that she was of good character. I don't know that I am a judge of good character.

OSSEE M. FITZGERALD.

Sworn to before me, this 24th June, 1868,

D. P. INGRAHAM, *Justice*.

John D. Fitzgerald.

JOHN D. FITZGERALD, being duly sworn, says: I am the husband of this last witness, Osee M. Fitzgerald. I never saw anything in the conduct or conversation of Mary Ann Smith, whilst she was with us, to cause me to doubt that she was a virtuous girl, and I believed then, and believe now, that she was a girl of unblamable and spotless moral character.

Cross-examined: I did not talk much with Mary Ann Smith nor with any of my servant girls. I meet them in the house only. I never saw anything in the conduct or character of Margaret Lannon, my chamber-maid, while she was with me, to cause me to doubt that she was a virtuous girl, up to the time of her pregnancy. I noticed at length that she was in the family-way, as I thought, and I have been informed that said Margaret has had an illegiti-

mate child since she left my house. I know nothing of the character of Mary Ann Smith other than what I saw of her in my house.

JOHN D. FITZGERALD.

Sworn to before me, this 24th of June, 1868,

D. P. INGRAHAM, *Justice*.

Such is the testimony of Mr. and Mrs. Fitzgerald, with whom Mary Ann was living at the time of her abduction. Despite all the efforts of counsel to show, by cross-examination, that Miss Smith was out nights, etc., the worst shown is that she went one evening a week to her religious meetings; and the unequivocal testimony of this most estimable and honored Christian family is, that while with them "she behaved herself with great propriety and consistency—more than usually so;" that is, more than is usual for girls of her age.

Mr. Fitzgerald says, "I believed then, and I believe now, that she was a girl of unblamable and spotless moral character." Let not those strong statements of those with whom she lived be lost sight of in reading the testimony hereafter produced to sink the poor girl to infamy.

Mary C. Gregory.

MARY C. GREGORY, being duly sworn, says: I reside at No. 15 Monroe street, Newark, N. J., at home with my parents. I became acquainted with Mary Ann Smith shortly after she joined the South Market Street M. E. Church, about the 26th of January, 1868. I was and am still a member of that church. I associated with Mary Ann; after that I saw her occasionally during the week, and on the Sabbath she would call at our house on her way to church, and we went together. She went every Sabbath as a general thing. She was an intimate friend of mine, and I certainly should not have associated with her if her character had not been good.

I believed then, and I believe now, that she was a girl of good moral character.

Cross-examined: I shall be seventeen years old in July. We went to church together on Sundays. I never go out evenings except to church. Of my own knowledge I don't know how Mary Ann spent her evenings. I don't know Margaret Lannon. I knew Mary Ann lived in the same house with her.

MARY C. GREGORY.

Sworn to before me, this 24th day of June, 1868,

D. P. INGRAHAM, *Justice*.

This, it is seen, is from an "intimate friend" of Miss Smith—a girl of seventeen, and a member of the same church. And yet, intimate as they were, she swears, "I believed then, and I believe now, that she was a girl of good moral character."

We shall next hear the testimony of W. S. Van Ness, another member of the same church :

William Smith Van Ness.

WM. S. VAN NESS, a witness produced and duly sworn on behalf of the plaintiff says: I am acquainted with Mary Ann Smith, now present. I am twenty-three years old; am a carpenter by trade; resided at Newark about sixteen years: I am a member of the South Market Street Methodist Church, the Church Mary Ann Smith joined. I got acquainted with her at the said church. I used to see her at the Church meetings about three times a week. I used to speak to her every night when she was there, almost as the members are in the habit of so speaking to each other. I never heard any harm of her, and always believed her to be a respectable girl. Her general reputation, as far as I know, was that of a respectable and modest girl. I am not acquainted with Mrs. Fitzgerald, her employer. I used frequently to accompany Mary Ann home from the meetings. This was customary for the young members who were acquainted with each other. When I first was acquainted with her she lived at Mr. Brittins, afterwards she moved to Mrs. Fitzgerald's, and these were the only two places to which I accompanied her. I believe I was the only young man who went with her after she joined the Church. I don't know of any other, excepting that I have seen her walk with Mr. Gilbert, the pastor of the Church, as far as his house.

Cross-examination: I knew Mary Ann Smith about four months. I met her at church about three evenings in the week. Church opened about half-past seven o'clock, closed about nine o'clock. I was in the habit of going with her when the church closed. I gen-

erally went home. About twice I took a walk before going in the house. We talked about the church; she said her people wished her to go to a convent. She said she did not want to go; that they would not get her to go if she could avoid it. I knew she was a convert; talked about Catholics. I don't know what this girl's previous character had been more than I have seen. I only knew her in the church. I never inquired as to her character. If I thought she was a bad girl, I would not have gone with her.

WILLIAM S. VAN NESS.

Sworn to before me this 24th day of June, 1868,

D. P. INGRAHAM, *Justice*.

Here, again, we have the same unequivocal testimony—never saw or heard any harm of Mary Ann, but she had the reputation of being a respectable and modest girl.

We come next to the testimony of her pastor and the prosecutor for her release, Rev. J. S. Gilbert:

Jesse S. Gilbert.

JESSE S. GILBERT, a witness produced and sworn on behalf of the plaintiff: I reside at Newark. Am pastor of the South Market Street Methodist Church, of which Mary Ann Smith is a member. I have been pastor about fifteen months. I know Mary Ann Smith now present; have known her since January, about five months. I used to see her nearly every evening at church, where we had revival meetings nearly every night. I used often to speak to her. I never heard anything against her reputation; and I then believed, and still do believe, that she is a virtuous and upright girl and, considering her opportunities, very intelligent. I am acquainted with Mr. Van Ness, previous witness; he is one of our members in good standing. Mary Ann's reputation among the congregation of that church was, and is still, that of a good and upright girl. She often asked the prayers of the congregation for her parents; never manifested an undutiful spirit to my knowledge. I have seen her father; I don't know him personally. I have heard that he is an intemperate man.

Cross-examined: I heard Miss Gregory say that she heard that he was intemperate. I don't know what the father's reputation is. Never saw nor knew him till I met him here. I know nothing about the family. My congregation consists of one hundred and twenty members; thirty-six probationers; Mary Ann is in merely on probation. The majority of my congregation are young people. Mary Ann joined on probation the 26th of Jan. 1868. She professed

conversion one night in Franklin street church when I preached. I might have seen her previously to this. I used to take lessons in vocal music at Mr. Britton's, and she attended the bell. I saw her once or twice at Mr. Brittin's house, and saw her at revival meetings almost every night. I knew her while she lived at Mr. Fitzgerald's. She did not attend the meetings so frequently then. I never walked alone with her on the street or sought her society. She never made confession to me. Once or twice she asked spiritual advice of me. Once she accosted me on the street, in front of my house, as she was going by. Others were present; she stopped a minute, the others passed on, and she asked me if she might pray for her father. I had a conversation with her at brother Brittin's on the difference between the religions. I don't profess to be a theologian in the technical sense. I have been in the ministry nearly three years. I graduated from Princeton College. Did not study in a Divinity School. I am twenty-one years of age last November. I am not married. I never inquired into the character of Mary Ann Smith. I don't know of her keeping company with young men outside of my church. I don't know what girls she associates with. While I knew her she has been a servant girl.

J. S. GILBERT.

Sworn to before me, this 24th day of June, 1868,

D. P. INGRAHAM, *Justice*.

This testimony needs no comment, except that it should be remembered that it was drawn out by questioning, and was written down by the attorneys. On that account it contains expressions which Mr. Gilbert would have modified as to their form. But it is clear, and unequivocal to the point, that having known Miss Smith for five months, he had never seen or heard any thing improper as to her character or conduct.

Here, then, we have, exclusive of the testimony of Doane and Miss Smith, that of seven witnesses, namely, John S. Brittins, Mrs. C. L. Brittins, Mr. and Mrs. Fitzgerald, Miss Gregory, Mr. Van Ness, and Rev. Mr. Gilbert, who all testify most explicitly and emphatically to the good character and deportment of Mary Ann, according to the best of their knowledge and be-

lief. And even Doane does not really allege anything against her moral character.

Ellen W. Aber.

Testimony of ELLEN W. ABER, a witness produced and sworn in the above entitled matter, in behalf of the plaintiff: I reside in Newark, N. J.; Have resided there about forty years. Am married.

Question. What was the first you knew of the taking of Mary Ann Smith from Newark, and the putting her in the convent?

The first I knew of it was when I saw it stated in the "papers" that she had been so taken. I subsequently saw Mary Ann Smith at the convent, about two weeks after she came there. Father Doane gave me a permit. Mrs. Fitzgerald went with me. We had a long talk there with Mary Ann. They brought her down on one side of some iron bars, and we were on the other.* We went into the chapel; were shown where the penitents sat.† I could see no separations in the gallery where they sat; we did not go up into the gallery. I have heard somewhat of Mary Ann from time to time, and always favorably. I never heard anything against her character.‡ I do not know her father. Father Doane told me her father was a bad man; not fit to have charge of the girl.

Cross-examined by Mr. T. O'Connor: I never knew Mary Ann Smith till I saw her in the Institution, of my own knowledge. I know nothing of her family. I was never acquainted with them nor with her father. I went out of curiosity to see Mary Ann at the convent. Father Doane advertised that any one wishing to see the convent could do so. I remained in the convent about an hour and a half.

E. W. ABER.

Sworn to before me this 24th day of June, 1868,
D. P. INGRAHAM, *Justice*.

Here the Prosecution rested for a time, and the Respondents entered upon their defence the next day.

* What an exhibition in this free country, and that, too, in an institution supported by the State!

† Here is the machinery for sectarian drill and "discipline," and yet it is not a religious institution!

‡ How strange, if she was the public character which her Catholic friends represent her to be.

CHAPTER VI.

The Suit continues—Respondents enter formally upon their Defence.

The first witness called was James Smith, a very stupid-looking Irish Roman Catholic, who testified as follows :

James Smith.

JAMES SMITH, called as a witness for the Respondent, being duly sworn, deposes and says :

Direct examination—by Respondent's counsel.


My name is James Smith. I reside in Newark, and have resided there and in Jersey City twenty-two years. I am a laboring man. I have always been in employment while I lived in Newark. I am now employed in the brick works; have been employed there about nine years. Previous to that I worked for Sister Brothers, Passaic Carbon works. I worked for them five years steady. I am the father of Mary Ann Smith, named in the writ of habeas corpus. Her mother has been dead for years. I have had other children besides Mary Ann. Am married again. I have always kept house in Newark, and still keep house. I have always seen to the children. I have always treated Mary Ann good and kind. I have always taken care of Mary Ann. She was sick with the small-pox a year ago last July, and I kept her at home while she was sick. When Mary Ann's mother died, I sent her to live with her aunt, Mrs. Carrolton. The aunt procured her a place, which she left and came to me. I have always kept her in a situation since her mother died. I sent her to work in a family when she left her aunt, and when she was out of place she lived with me. She is going on sixteen years of age. She never till the last five months maintained herself. Till lately I provided her clothing. I left her almost entirely with the aunt after her mother died till I got married again. Last March I placed her in the House of the Good Shepherd. I put her there because she was misbehaving, keeping bad company, and late hours, and disobeying me. She is there now by my authority, and kept there by my will. I intend to leave her there till she becomes good, or until I find a good place for her, where she will be taken care of and not be left to her own inclinations. I have taken her from several bad girls; one

named Sweeney. About five months ago I ordered her into my house. I saw her in the streets nights with dissipated young men and women, and took her home forcibly and brought her to my house. I am of ability to maintain her and willing to do so. She never gave me any of her earnings except three dollars, which was due her when she was placed in the House of the Good Shepherd, for which I bought her slippers and sent her mother to see her. I think she had better be in the House of the Good Shepherd till I find her a more suitable place. 'Tis not for the church I put her in, 'tis for disobeying me and keeping bad company. It had been reported to me that she walked the streets and acted bad in Newark, and that is why I watched her and I found it so, and took her off the streets for her safety. When she lived out, she was accustomed to come to my house at eleven o'clock and sometimes after midnight. I always took her in—that is, my wife took her in. My wife is very fond of her—too fond she was of her.

Cross-examined: I work now in the Zinc Works. I earn about fourteen shillings a day. I work every day I have my health. Last week I only worked two days; I worked four days the week before. I generally earn twenty-three dollars and ten cents every two weeks by my labor—sometimes thirty, and sometimes more by making overtime. For the last year I have been earning as much as stated. I sent Mary Ann to her aunt's about five years ago until I should get married again. She staid there about three years. She was at school a part of the time. She can't read and write. She acted as one of the family at her aunt's. Can't say how long she was at school. Don't know what she did when she was at her aunt's. Went there to see her when I had a chance. Don't know how often, perhaps every three or four months. I did not clothe her during that time. Her aunt clothed her. There was no agreement about clothing her with the aunt. The aunt was willing to take her and do for her until she got stronger. My boy was in Jersey City during that time; don't remember how much I earned. I boarded at Newark. When my daughter left her aunt's, she went to a place with my consent. I went to see her at the place and brought her a set of garments. She did not stay long at that place, and then I got her another place. She stopped only a short time there; and then was home with me again. She stayed home until she got another place, and afterwards went to work at her uncle's shop. She got a place in the country and stayed there a month, and from there came to me, and from me came to this place where she become a Protestant. I don't know the families where she lived at all. It was since my wife died that I suspected Mary's character—about two years. I heard people say that I ought to keep my people in at night from bad company. Her uncle, Mr. McDonald, told me she was no better than a common prostitute; that was while he employed her; that was six or seven months ago. I went out to look for her in

the street; I found out she was keeping company with bad boys and girls. She kept company with one Kate Sweeney, who bore a bad name. She was in her company some time. I took her away from her company. I have not seen my daughter with her for five or six months. I have seen her with several young men. I did not know whether they were bad or good, only I didn't like her to be with them. I can't think of any of their names; that is all I know against Mary Ann, that she went on the street with Kate Sweeney and several young men whose characters I did not think to be good. In the latter end of March last, I went and took advice of her aunt, Mrs. Carrolton, and Father Doane, and they advised me to put her in the House of the Good Shepherd. I did not know of my own knowledge that she had joined the church when I took that advice. I had heard rumors of her having joined, and had asked her about it, but she denied that she had joined the church. I did not threaten her; I went to see a lawyer at that time, but did not see him. I saw another lawyer since and told him about the case. I told him my girl was disobedient and I wanted to know what to do with her. He wrote a few lines and sent them to Father Doane. I don't know what was in the lines. I don't remember saying anything to the lawyer about her being a Protestant. I know that Mary had a dispute with Mr. McDonald, who gave me the bad reports of her. Mary told me that he accused her of stealing money. I didn't pay much regard to it. I went to see him and asked him if it was so, and he gave me no decided answer. I can't say whether it was then or afterwards he told me that Mary Ann was no better than a prostitute.

I live at Newark now. I rent two rooms in said house. There are five in my family; myself and wife and two boys and Mary Ann. It was from her aunt, Margaret Carroll's, that I took her away to the House of the Good Shepherd. I told her that she might not be a month there. If she did not like it I would take her out. I don't drink, except a glass of beer occasionally. Have not got drunk for some time. My wife does not get drunk.

his
JAMES  SMITH.
mark.

Sworn to before me, this 25th day of June, 1868,
D. P. INGRAHAM, *Justice*.

Any one can see by this testimony that Mr. Smith had been well schooled in the part he was to act before coming into court. With Mrs. Carrolton, her aunt, he swears that Mary Ann was sent to school, and yet she cannot write her name or read a word.

Observe, also, that important as it was for the father to convict his daughter of profligacy, if possible, "for the good of the church," that is, to justify the abduction instigated by Doane, the most the father could say was, "All I know against Mary Ann is, that she went on the street with Kate Sweeney and several young men whose characters I did not think to be good." But this was months before the project for her abduction.

2. The latter end of March he heard that she had joined the M. E. Church, and then went to a lawyer, who wrote to Father Doane, etc. How plain from all this that it was not the bad company she kept six months before, but the joining of the M. E. Church which made the stir, and was the sole cause of the abduction.

3. Notice that Smith admits that he told her she need not stay in the nunnery unless she wished to, and yet she has been there, against her will, now (September 10th) for over five months.

4. It is obvious from the whole drift of this testimony that Mr. Smith had no idea that his daughter was dissolute. Hence, when two abandoned wretches swore to her bad character, and I asked the father if he had supposed her to be such a girl, he told me no, he had never suspected such a thing. And even the Mother Superior, in the early part of the suit, when some one intimated that Mary Ann was a bad girl, contradicted the statement, affirming that she could tell a bad girl, and that Mary Ann was *not* a bad girl. It was not then known that it would be necessary to

make her out a courtesan in order to justify her continued imprisonment, says :

Mrs. Bridget Smith.

Mrs. BRIDGET SMITH, being duly sworn, testifies : I am the wife of James Smith, father of Mary Ann Smith, now present. Mary Ann has lived with me off and on as she was out of place. I know her to have kept late hours on the streets of Newark. She often came to my house at the hour of about eleven o'clock, seeking admittance, and I let her in. I know of her keeping bad company. I saw her with a young man named Denis Clarey. He was then after coming out of jail. He was considered a bad character ; they called him a rowdy. He used to come to see Mary Ann when her father was out. I know of her keeping company with a girl named Kate Sweeny ; she bears a bad name.

Cross-examined: Mary Ann has not been at my house since last Fall. I have not seen her with Denis Clarey or Kate Sweeny since Christmas last. I know nothing against Mary's virtue.

BRIDGET ^{her} X SMITH.
mark.

Sworn to before me, this 25th day of June, 1868,
D. P. INGRAHAM, *Justice.*

Mrs. Margaret Carrolton.

Mrs. MARGARET CARROLTON, being duly sworn, deposes and says : I live in No. 112 Lock street, Newark. I am the aunt of Mary Ann Smith, sister of her deceased mother. At the death of her mother and before that, during the sickness of her mother, I took Mary Ann under my charge. She was then over nine years old. I placed her with my sister, Mrs. McDonald, in Plane street. She remained with her over two years, and part of this time she went to school ; when not at school she minded the baby. She was supported and provided for by my sister as one of her own family. While going to school, she played truant so much that her aunt took her from school. At Mary Ann's desire, her aunt sent her to work in a shop, and Mary Ann staid there not over two weeks. She then went to live with Mrs. Garrett minding children. She was then over twelve years of age. She remained there less than two months. She came home from there, and I went to see Mrs. Garrett, and she told me she discharged Mary Ann for stealing. I found a brush and comb and leggins and some other things with Mary Ann, and she confessed to me that she had stolen them from Mrs. Garrett. I compelled her to return them. After Mrs. Gar-

rett, she came again to live with my sister. The aunt placed her in her husband's shop, Mr. McDonald, a tailor, to teach her to run a sewing machine. She remained at that a few weeks, and then he gave her wages, five dollars a week. She stole from the shop silk and other things, and he was obliged to send her out of the house to board, but still kept her working for him. She went to board to a place I procured her. I took her to Father Doane, and he told me of her lying and stealing, and he advised me to place her in the House of the Good Shepherd. This was two years ago. She worked two or three months after that for Mr. McDonald. The lady she boarded with, Mary Ann told me, accused her of having stolen money, and I then took Mary Ann under my own charge. When she left McDonald, she went to the country to live out; but she came back to her father's house. She then went to live with Mrs. Sponheimer to run a machine at what wages she could earn. Then Mrs. Sponheimer put her to minding children. She remained three or four months with Mrs. Sponheimer. Mary Ann was at this time over fourteen years of age. I then ascertained that she was keeping bad company. I went to Mrs. Sponheimer's to inquire about her, and was informed that she could not get along with Mary Ann. Mrs. Sponheimer discharged her. Mary Ann is a very stubborn girl, and she is dishonest. I have ever striven to take care of her. Her father, James Smith, has always come to see Mary Ann, and has always provided her with whatever she wanted. Mr. Smith is a very sober, industrious man, always seeing to his family. He has not drank for six years to my knowledge. Some years ago he drank freely, so as to be drunk once or twice a week. He does not drink now. He works constantly. Those times I speak of his drinking years ago he was never incapacitated for work.

Cross-examined: It was three years ago that Mrs. Garrett accused Mary Ann of dishonesty. It was over a year ago that her uncle accused her of dishonesty. Her stepmother has accused her since. I don't know how long ago, nor whether within six months. I guess it must be longer ago than six months. It was in last fall I heard of Mary's keeping bad company. I have not heard of her doings since that time. Mary Ann did nothing at my house. She boarded there. Within the last twelve months Mary Ann has clothed herself. I went with Mary Ann to the House of the Good Shepherd. Her father told her that she should come and see the place and make arrangements concerning staying. I did not hear him say she needn't stay unless she liked.

her
MARGARET X CARROLTON.
mark.

Sworn to before me, this 25th day of June, 1868,

D. P. INGRAHAM, *Justice*.

In regard to this testimony, the following points are worthy of special note :

1. Whatever there may have been of instability or dishonesty in Mary Ann, all that is here alleged was months or years before she went to Mr. Brittins, or was converted to Christ. Even then, if all was as Mrs. Carrolton testifies, how does that justify her arrest and imprisonment after she became pious and steady?

2. She swears positively that Mary Ann was discharged by Mrs. Garrett, some four years before, for stealing. This Mr. Garrett contradicts.

3. She swears that "Mr. Smith is a very sober, industrious man, etc.," which everybody who knows him knows is not true. He was not "sober" when Rev. Mr. Gilbert and the writer called upon him as narrated further on, and when he threatened to spill Mr. Gilbert's "heart's blood," though he was not *very* drunk.

4. She heard what the father said to Mary Ann about going to see the convent, but did not hear the balance of what the father admits that he said at the same time. But we leave "Mrs. Carrolton" for the next witness.

Charles Garrett.

CHARLES GARRETT, a witness produced and sworn on part of plaintiff, deposeseth and says: I reside at Newark. Am a tailor. Have resided there twenty years; am married. I don't know Mary Ann Smith now present; would not remember her. I remember that a girl of the name lived with me and my wife as a servant, to take care of our child, about four years ago next November. I would have taken her to be about eleven or twelve years of age. She was with us about a month. My wife discharged her because she was too young and fond of play. We did not discharge her for stealing. I did not know of her stealing anything before we discharged her. After she had gone, her aunt came to the house and brought some trinkets, which appeared to be ours, and which she said Mary had stolen. There were some glass marbles which children play with, a comb and part of an old

brush, and a pair of old woolen leggins; they were all things we had known nothing at all about before her aunt came there with them. I never saw anything bad about the child while she was with us; she was just like other children. We found no fault with her except that she was too young.

Question. Your wife has been spoken to concerning this matter by Mary Ann's aunt?

A week or ten days ago the aunt stated to my wife that she wanted her to draw up and sign a paper stating that Mary Ann was a thief and a liar. My wife is seriously ill at present. (Counsel objects to the husband testifying as to what the wife did or said.)

CHARLES GARRETT.

Sworn to before me, this 25th day of June, 1868,

D. P. INGRAHAM, *Justice.*

1. Notice how Mr. Garrett contradicts Mrs. Carrolton, the affectionate aunt. "My wife discharged her because she was too young and fond of play. We did not discharge her for stealing."

2. Notice how the animus of the persecution crops out. She had become a Protestant and must be crushed; and so her Catholic aunt goes to a woman with whom Mary Ann had lived years before, when a mere child, and tries to get a paper affirming that she was a thief and a liar! And mark upon what grounds all this was alleged by her inhuman aunt!

Mrs. Mary Sponheimer.

Mrs. MARY SPONHEIMER, being duly sworn as a witness for the Respondent, says: I reside at Newark. Carry on the business of vestmaking. Keep house, and have a family, my husband and four children. I know Mary Ann Smith here present. She has been in my employ about two years ago. I hired her to work on a sewing machine. She proved unable to do the work. Then I took her to baste. She was not accustomed to sewing, and could not earn her board at it. So I put her into the kitchen. I gave her four or five (I'm not certain which) dollars per month. She remained with me some four or five months. The first time she was with me I liked her very well, and saw nothing bad about her.

When I hired her again, I found her untruthful and accustomed to stay out at night till ten and eleven o'clock, and sometimes all night; twice she remained out all night. Down stairs under my house there is a carriage house, and a number of rough young men loiter there. I saw Mary Ann in company with them standing at the gate with them, and talking through the fence. One day I heard them talking with her. I don't know what they said, but I heard her make the reply, "Go to hell." I immediately took her up stairs; it hurt my feelings, and I cried and talked to her as a mother. She seemed at first stubborn, but at length confessed she had done wrong and promised to do better. I am the mother of three girls and one boy. My girls are all young; my eldest is eleven. I did not consider it safe to have Mary Ann with my girl, because she on one occasion carried my eldest girl with her to some house, and then told my girl to tell me they were elsewhere, and to deny they were at this house. Mary Ann was so accustomed to keep company with the young men down stairs that I feared they would take some advantage of my eldest girl. I knew her once to be out carriage riding with one of these young men. I did discharge her. I told her I would not keep her longer in the house. This was, I think, last fall. I discharged her because I did not think it was safe for her to be in the house with my children. She was dishonest. She stole three pairs of stockings from me; she was not truthful.

Q. What is your religion?

A. I am a Catholic, but go with my husband, who is a Protestant, to Church. My girls go to Catholic Church; my boy to Protestant.

Cross-examined: After I discharged Mary Ann, she came to me and told me she had joined the Methodist Church. The reason of her coming was that she met my little girl in the street, and my girl told her I was going to have her arrested for stealing the stockings and other things I had missed; she told me she had joined the Church and became a different girl from what she had been. I told her that was no proof to me of her being any better. This was shortly before she was taken over to this city.

M. SPONHEIMER.

Sworn to before me, this 25th day of June, 1868.

D. P. INGRAHAM, *Justice*.

All this, if true, was months before she joined the M. E. Church, and while she was a good Catholic. And if this was the ground of her abduction, why was she not arrested *then*, instead of waiting till she became steady enough to earn seven dollars a month? How

obvious that all this, even if true, had nothing to do with her abduction and imprisonment.

Mary Fox.

MARY FOX, called as a witness for the respondent and being duly sworn, deposed and says: I reside in Newark. I keep house with my family. I know Mary Ann Smith here present. She came once to my house, about six months ago, at eleven o'clock in the night. She would not tell where she had been. She said she had no supper; I gave her some, and then sent her to her father's house.

Cross-examined: I live in the same building with James Smith. It was about six or seven months ago since she came to my house, as above stated. I know nothing against Mary Ann's virtue.

MARY ^{her} ✕ Fox.
mark.

Sworn to before me, this 25th day of June, 1868,
D. P. INGRAHAM, *Justice*.

Here we have the same story again, by another Catholic. Mary Ann was wild, six or seven months before, when she was a Catholic; from which Mr. Doane would have the public believe that this was the reason why she was imprisoned seven months afterward, when she had become a steady and sober girl, and a consistent Christian.

Mary McDonald.

MARY McDONALD, being duly sworn, deposes and says: I know Mary Ann Smith. I am her aunt—sister of her deceased mother. Mary Ann lived with me, since her mother's death, over two years, as a member of the family. The most of that time I sent her to school. She is a very untruthful girl. She has stolen several things from me; stolen money and spent it. I saw to her ever since her mother's death, and tried to do all we could for her. She was very unruly, and I have had a great deal of trouble with her. Her father is an industrious, sober man, always working. Has always maintained his family as well as any man in his circumstances. Her reputation in Newark is bad. I advised placing her in the House of the Good Shepherd, in order to save her from shame.

Cross examined: I am the wife of Mary Ann's uncle with whom she lived. James Smith, her father, is a sober man now. Some time ago he used to drink. The latest bad report I heard of Mary Ann was about seven months ago, when she was at Mrs. Sponheimer's. I heard there she kept bad company.

MARY McDONALD.

Sworn to before me, this 25th day of June, 1868,
D. P. INGRAHAM, *Justice*.

Here it is again ; a bad girl, seven months ago, etc. ; at school most of two years, and yet does not know her letters ! What a "school" that must have been ! Was it a public school, or a parochial Catholic school ?

CHAPTER VII.

An Adverse Decision, and a new Line of Defence.

At this point in the trial the Catholic lawyer moved that the writ be vacated, and Mary Ann left in confinement, on the ground that she was a minor, and her father had a right to place her in a nunnery if he chose to do so. To this Judge Ingraham replied, that she was a young girl, and that no father had a right to put such a girl with such associates (alluding, doubtless, to the abandoned women in the nunnery), and that unless the case could be lighted up in some way, he should never remand her back to the institution. This seemed seriously to disconcert Mr. Doane and his lawyer. If the place was unfit for such a girl, they must either disprove the character of its inmates or make Mary Ann a proper subject for such a "Magdalen Asylum ;" and the latter, it seems, was decided upon as the nearest possible, namely, to destroy the

character of their victim, and thus carry their point, and divert the public odium from themselves to her.

Father Doane was heard to say to O'Connor, his lawyer, "tell me what testimony you want, and I will get it for you;" and the Court was adjourned to the next day.

The next morning Mr. Doane was seen in the corner of the room with two young men, with whom he was in conversation, and looking and pointing to the place where Miss Smith and other ladies sat, as if helping them to identify her, preparatory to giving their testimony; and in a short time they were brought on to the stand, and testified as follows:

Joseph Egbert.

JOSEPH EGBERT, a witness for respondent, being duly sworn, deposes and says: I am twenty-one years of age; am a painter by trade. I reside in Newark. I work around the stable of Mr. Mullen on Warren street, Newark. Mrs. Sponheimer lives over at his stable. I am acquainted with Mary Ann Smith; this is she present. I have known her going on two years. I have been out with her. I went carriage-riding with her one Sunday last August. We were both together; no one else with us. We went on the Plank Road; Mary Ann drove. We stopped at a place she called "Snake Hill." It is a woody place on the roadside. Mary Ann got out of the carriage. She asked me if I was coming. I said yes, and followed her into the woods. * * *

* * * We then came out of the woods and to the carriage. I never, before that, nor since, had improper connexion with her. I have often met her in Newark, I walked with her at night. She offered no opposition to my cohabiting with her in the woods. I know one girl, whose name I don't know, who lived in Bank street, and was a companion of Mary Ann's. She was a prostitute. As far as I have seen of Mary Ann Smith, I have always seen her talk with fellows around the corner. Frank Mac-Bridge was one. He is a bad character. James Endice, a bad character; Jimmy O'Brien, a bad character, and others. They are all loose, disreputable young men. I got acquainted with Mary Ann while I worked in the stable. Mary Ann used to go around the

stable and carriage-house, look through the cracks, and talk to the fellows. She told me one night that she got a letter from Frank MacBridge. She told me that Frank MacBridge could go to hell; that she wanted nothing to do with him. The next night I saw him and her standing together on the corner, between ten and eleven o'clock. I met her one night coming from dancing-school, about eleven o'clock. I do not know her father. I was at her house one night and stones were thrown at the door. I asked her what that was. She said some of her fellows were around. She was considered a loose girl in Newark. I was brought up in the Methodist church, and go there when I go to church, which is seldom.

Cross-examined: I had known Mary Ann about two years before I had intercourse with her as above stated. In August last I asked her on Saturday night to go riding, and she said she would go. The first I ever said about our sexual intercourse was yesterday; I then told the foreman of the stable. He asked me if I knew her, and had ever had dealings with her, and I told him yes, and told this story I have told to-day. I am sure I never mentioned it to any one else. Mr. Smith employed me last August. Mr. Mullen is his partner. I got the carriage from Mr. Smith. I hired it for \$3 50. I asked her if she wanted to go, and she said yes. I did not know how old she was. I judge her about sixteen. My character is about the same as that of the men in the shop. I have been in jail for assault and battery; also, my mother put me in these houses last winter, because I wanted to run away from her—just as Mary Ann is doing. I have had sexual intercourse with other women both before and since August last. The day we went out to ride, I took Mary in the carriage by her father's house. We rode down the Plank Road to the place where the road turns off to Snake Hill. From there we went down to the Plank Road and up to her house. Before we got to her house we met another girl; she got in the wagon along with us, and we went down to Ferry street and down Ferry street to Mulberry street, through Mulberry to Market street, and down Market street to her house again; they got out and I helped them; then went up to the stable with my horse. I saw Father Doane yesterday, and he asked me to come over here and testify. I was never in jail but those two times mentioned. I live at Newark, and did when I worked for Mr. Mullen. It is about eight or nine months since I have seen Mary Ann Smith before to-day in Court. I used to see her almost every day before that. I knew her name. I am positive that Mary Ann, now present, is the girl I had intercourse with, as above stated. Could not have been mistaken. I cannot write.

JOSEPH ^{his} EGBERT.
mark.

Sworn to before me, this 25th day of June, 1868,

D. P. INGRAHAM, *Justice.*

Observe, now, how fortunate it was for Mr. Doane that, just in the nick of time, only the day before this testimony was given, Mr. Doane should ascertain from Egbert, through the Catholic stable-keeper, that Egbert could swear that Mary Ann was a prostitute. What a singular coincidence! And still more strange—he sees Mr. Doane the same day that he reveals the precious secret, and is invited by him to go to New York and testify! But just such testimony must be had, or the prisoner would be released; and so it *happened* (?) to be found at the right time.

The new turn thus given to the case, made it necessary to recall Miss Smith, and, long as her testimony is, let none fail to read it, and mark its several points and its obvious candor and truthfulness:

Mary Ann Smith.

MARY ANN SMITH, recalled by plaintiff, deposes as follows: I am acquainted with a man named Joseph Egbert, who lived at Newark, and worked in Messrs. Mullin & Smith's stables. I was present yesterday, the 24th of June, and heard his testimony. The first time I saw him was in the stable, but I did not speak to him. I saw him mostly every day after that, for about two months. One Sunday afternoon was the first time I spoke to him. Katie Sweeny introduced him to me in the street, near my father's door. It was during the time I was at Mrs. Sponheimer's; Egbert was in a carriage, and stopped to speak to Katie Sweeny; he asked Katie to go riding, and she said she had no objections; then he asked me to go; then I came back to my father's and got my hat. Katie came with me, and then we both got into the carriage; then we drove to the plank road as far as the bridge; then we went back again up Market street and up Broad street as far as the Park, then rode down to my father's door; then got out. Katie Sweeny was with us all the time we were riding.* We did not get out of the carriage at all until we

* Mark this vital point. Egbert swore that they were alone till they met Kate Sweeny *after* they had been to the woods. Miss Smith says, "Katie Sweeny

came to my father's house. I have now stated all that occurred during the ride. Nothing improper happened between me and the said Egbert now present. I swear that, on my oath. I saw him the next day after the ride, but did not speak to him. I spoke to him only three or four times after that to the best of my belief. last time I spoke to him was about a week after the ride. About a week after the ride Katie Sweeny and he and me went down to my father's house; we all went in to my father's house; Egbert went in with us; he stayed there about five or ten minutes. My step-mother was there. He went from there down to Oxford street, with me and Katie Sweeny. We went from there to the house of one of his acquaintances; a lady. I don't know her name; she was a married lady; she told this young man about the death of her children; then we came from there to my father's house again. That was the last time I was with said Egbert or spoke to him. I have not seen him since then until yesterday. I knew his appearance when I saw him yesterday, but had forgotten his name. I never had any improper intercourse with said Egbert, or with any other man. I am willing to have this tested in any way the Court may direct.* I have heard the testimony of the man

was with us *all the time we were riding*. We did not get out of the carriage at all until we came to my father's house. I have now stated all that occurred," etc.' Now, this "Kate Sweeny" has since been seen by Mr. Gilbert and others, and she confirms the testimony of Miss Smith in every particular. She was in the carriage with her all the time, and nothing improper took place.

At first, though a Catholic, Kate said she would go over to New York and testify, but since then she dare not go. The reader can well understand why; and as she is out of the State where we need her to testify, we have not been able as yet to secure her testimony. But of the fact that she declares Mary Ann entirely innocent of any wrong at the time referred to, the public may be assured.

* This she repeated in various forms from time to time. She was *anxious* to have a medical examination

Egbert given in this matter, and it is entirely false, except as I have above stated. While I was at Mrs. Brittins' I took some castor oil and cod liver oil. I took this myself without direction; the above were all the remedies I ever took. I remember when I stayed at Mrs. Garret's; remember when I left there. Mrs. Garret never accused me of stealing.* My aunt accused me of so doing; she never found anything with me; this was right after my mother died. I never took anything from my uncle's, Mr. McDonald; no silks, nor money, nor other things as testified, except one piece of braid which I took to tie on my hair and afterward returned. I have had several conversations with my father and aunts since this case began. My father offered to take me out of the convent, if I resumed my former Catholic faith and be a good girl. That was to-day.†

Cross-examined: After my mother died I lived with my aunt,

to vindicate her purity, and convict Egbert and Ellis of perjury. To this end our counsel asked the Court to make an order, assigning her to the custody of two of the oldest surgeons in New York, to examine her as she desired, and report under oath as to the facts; but the Court denied the request; and there the poor girl was left, with two shameless villains, as we shall see, both of whom had been twice each in jail, swearing that she was a prostitute, and she prepared and anxious to demonstrate their perjury by an infallible test, and yet not permitted to do so. How Judge Ingraham, who seemed to be a candid and fair-minded man, could deny this poor friendless orphan, when thus blasted in reputation, the privilege of vindicating herself and confounding her persecutors, in the way she deserved, is unaccountable.

* So Mr. Garrett testifies. It was all the work of the Catholic aunt.

† Mark this. And Doane has told her, since the decision of Judge Sutherland, that if she would renounce her heresy he would take her out in two days.

Mrs. McDonald. I lived with her about nine months; no longer. I also lived with her before my mother died. After I left my aunt, I went to live with Mrs. Garret; lived with her a month; she discharged me because I was not able to do her work. I was taking care of children; don't remember how many. I can't tell what wages I got; I think not more than three or four dollars a month; received my own wages. I went to see my aunt regularly while I lived there. My aunt went there once; she went to see Mrs. Garret there. I was living with her then. After I was discharged from Mrs. Garret's I went home to my aunt's. I lived with Mrs. Sponheimer; the last time two months. It was while living with her that I became acquainted with Egbert. I also, then, became acquainted with Frank Markridge; he was a jeweler. Another gentleman made me acquainted with him. I don't know what this gentleman's name is. I think his name is James Garrigan. I really don't know how I got acquainted with James Garrigan. It was at the stable I got acquainted with Frank Markridge. I knew James Garrigan before I came to the stable. Mrs. Sponheimer lives over the carriage-house. I saw James Garrigan in the stable. I saw Frank Markridge in the stable; I talked with Garrigan, standing by Mrs. Sponheimer's door. I know four young men about that stable. I saw those young men every day. Some of them would speak to me and I used to answer. Kate Sweeny first introduced me to Mr. Egbert. Kate Sweeny was a companion of mine. I saw Mr. Egbert in the stable after he was made acquainted with me. I spoke to him in the stable. I know a man about the stable named Schaughnessy. I don't know where "Snake Hill" is. The only time I was on the Plank Road was when I went with Egbert carriage-riding; that was the only time I ever was on the Plank Road. Egbert drove on the Plank Road; I did not drive. It was in a buggy; one-seat buggy. I can't say whether it was a one or a two-horse buggy. I didn't know the horse's name. Cannot possibly remember how many horses there were in the buggy. This is when I lived with Mrs. Sponheimer that I went riding; it was towards evening that we went out riding; this was the first young gentleman that I ever went riding with. I never since went riding in a buggy. I never rode with Frank Markridge. I was never with Frank Markridge; I never spoke to him except when I saw him at the stable. I never drove a horse nor held reins in my life. I sat on the outside of the buggy. I cannot say whether I sat on the left or right hand side of the buggy. I know a girl named Elizabeth Hughes, when I worked for Mrs. Sponheimer. I worked in the shop with her; was not intimate with her. I never had any conversation with her other than to pass a few words in the shop; she was a good girl as far as I knew. I never told Elizabeth Hughes that I was in the family-way. I never told her that I was married. Mrs. Sponheimer never asked me whether I told Elizabeth Hughes that I was married. Mrs. Spon-

heimer asked me whether I was married. This was when I was living with her. I told her I was not married. I did not tell Mrs. Sponheimer that I told Elizabeth Hughes that I was married.* I never told any one that I was married. After I left Mrs. Sponheimer, I staid a week with my step-mother. I did not tell my step-mother that I felt sick. I never told my step-mother that I felt as if I were in the family-way. I never went to a doctor in my life. I did not see Katie Sweeny since I went to Mrs. Brittins'. I did not see any of them since I left Mrs. Sponheimer. When I was at Mrs. Sponheimer's no one ever asked me to go ride except Egbert. Egbert asked me and Katie Sweeny to go to ride one Sunday afternoon. I have been in Egbert's company twice. I knew Demmy Clarey. I became acquainted with him at my father's house. I cannot say who introduced me to him. My father forbade me going with Demmy Clarey. When I went riding I got into the carriage near my father's door. My step-mother saw me. My father did not. This was about a week before I left Mrs. Sponheimer the last time. Had seen Egbert before this. I never spoke to him before then. First went down the Plank Road as far as the bridge. Egbert asked me a question, I don't know what, but I answered "No." It was not an improper question. I was at Mrs. Sponheimer's about a month when I became acquainted with Frank Markridge. Egbert drove horses and washed carriages in the yard. There is a broad partition between the yards; there are middling sized chinks in the partition, I believe. I never spoke through the chinks. One time while Egbert was drawing a pail of water in the yard, Egbert spoke to me. I was standing by the stoop; I can't say what he said. I told him to mind his business, to leave me alone. Mrs. Sponheimer then called me up stairs. I told Mrs. Sponheimer I was not saying anything to the young men. Mrs. Sponheimer called me up stairs, and scolded me for talking to them. She was going to hit me; she knocked my head against the wall. I cried. I did not tell her I'd do better. I have told a great many lies in my life without thinking. I am thinking now. Mr. Egbert never asked me to go to ride afterwards. Mr. Egbert nor any other young man never gave me any money. Mr. Egbert, on the day I went riding, did not give me any money. I was never in the woods on "Snake Hill." I don't know where "Snake Hill" is. I never heard of the place till I heard of it here. The farthest I ever was on the Plank Road was on the bridge. I never walked out on the Plank Road. That was the only time I ever was on the bridge or on the Plank Road. I think I got into the carriage first that day. I left Mrs. Sponheimer's at two o'clock that day. Mrs. Sponheimer did not know where I was going. I

* See testimony of Elizabeth Hughes, on page 28, which was given in before Miss Smith's was recalled.

then went to my father's. I met Katie Sweeny on the way. I went directly to my father's. I was not there half an hour. We then went out and met Egbert. Mrs. Sponheimer lives corner Warren street and Washington. My father lived on South Market street. It is not three miles from there to my father's. I took my ease going along. The first person I met was Katie Sweeny. I met a couple of young ladies on the road, and talked with them, after I met Katie Sweeny. I saw carriages along the road. I can't say that I saw a carriage stop on the road. I might have seen a carriage stop on the road. I did not meet Mr. Egbert with a carriage on the road. I did not go to "Snake Hill" between the time I left Mrs. Sponheimer and went to my father's. I went to the House of the Good Shepherd a week before the first of April. I went then against my will. My father took me there and left me there. I am a Methodist. I was converted a little after New Year's. I was at Mrs. Brittins' house when I was converted. I was doing housework. Mrs. Brittins kept a boarding-house; I got \$7 a month. I wished to go to the Protestant Church, and I went with her daughter. My father is a Roman Catholic. I had no reason for wishing to go to the Protestant Church. I thought I could not save my soul by remaining in the Catholic Church. I received Communion in the Catholic Church once a month up to the time I was converted. I confessed at the Washington Street Catholic Church, once a month, to Father Wigan and to Father Doane, and received sacramental confession once a month, up to the time of my conversion to Methodism.* I did not deny to any one ever that I joined the Methodist Church. I did not deny last night that I was a Methodist; I never told any one that I would never leave the Catholic Faith. I have renounced the Catholic Faith forever. My occupation at the House of the Good Shepherd is sewing. I sew from eight in the morning until twelve at noon; fine sewing; then I commence again at one o'clock, and sew continually till six in the evening. There is always a Mother present while I sew. There is always a Sister present in the room. After I quit sewing, I go to tea. There is a Sister present while we are at tea. We commence prayers at a quarter to eight o'clock, and pray till eight. We are sent to bed at eight. When all the children are in bed the Sister leaves. We are all called children. We come down stairs at six in the morning; then we have morning prayers and go from there to Mass.†

* Let the reader notice that she was a devoted Catholic all this time, confessing at Doane's church; and if she did anything wrong he knew all about it.

† "To Mass," observe, and yet the "Mother" swore in her Answer that it was not a sectarian institution. See page 18.

I don't pray at the Mass; they don't require us to unless we wish. I am acquainted with one child in there, about eighteen or nineteen; her name is Mary Bigelow. No conversation allowed during sewing hours, but we have it sometimes. I am desirous of leaving the convent. I did not tell my father I'd do anything he'd tell me to if he'd take me from there. I asked my father to take me from there. I get enough to eat such as it is. I think I sleep enough. The food I got there is not as good as the food I got when I was a servant girl. I told my father, if he took me from there I would do anything for him that was right—except change my faith.* I did not deny to Father Doane that I joined the Methodist Church.

Re-examined by Plaintiff: I have not seen any of the fellows around the stable since I lived with Mrs. Sponheimer. I have not seen Katie Sweeny since I went to Mrs. Brittins', before last Christmas. I think it likely they were not good company for me. I have not seen any of them since I went to Mrs. Brittins'. I have not kept company with any one since I went to Mrs. Brittins', except Mr. Van Ness who used to see me home from church. I believe I used to tell stories sometimes before I was converted. I did some other wrong things then; I was wild. I did not think about right and wrong as I do now.† Since I was converted I have tried to do my duty. I have left off all bad company. I pray habitually to God for help to lead a virtuous life. My only object in joining the Methodist Church was to save my soul and to gain happiness. While I was at Mrs. Sponheimer's she was not kind to me. She was severe to me; used to whip me. I don't recollect her using bad language to me. I have no ill feelings towards my father and friends. I forgive them what they have said and done about me; but I cannot forget it, and I never wish to go to them again.

MARY ANN ^{her} SMITH.
mark.

* Notice how firm she is, after having been three months in prison for changing her religion.

† What an obvious frankness and sincerity in this testimony. She was an uncultured and giddy young girl, and does not deny it. Yet she was acceptable as a Catholic. But now that she is converted, and is living a blameless life, as a Protestant, she is seized and confined in a prison, and everything possible raked up to blacken her character. Yet mark the Christlike spirit in which she speaks of them after all this! A lamb in the midst of wolves!

Sworn to before me this 25th day of June, 1868.

The above witness being sworn, and the signature of the Judge not having been appended, by inadvertence, it is hereby consented that the above testimony be received in the same force and effect as though properly certified as sworn testimony.

T. O'CONNOR, *Atty. for Respondent.*

LORD & SKIDMORE, *Attys. for Plaintiff.*

Joseph Egbert, recalled.

JOSEPH EGBERT, recalled for the respondent, being duly sworn, testifies: I have heard the testimony of Mary Ann Smith yesterday. I do not, after hearing her, wish to alter my previous testimony about the carriage-ride affair. I was in the carriage. I overtook Mary Ann Smith on the road from Mrs. Sponheimer's to her father's house, about two o'clock, Sunday afternoon. She was alone. I took her into the carriage and drove down Market street, on to the Plank Road. When on the Plank Road she took the reins and drove up to the bridge, then turned on to the road which leads to the wood. She then got out, and the cohabitation took place as I have previously testified. I gave her fifty cents in the woods. When coming back in the carriage, after leaving the woods, we met Kate Sweeny on the road. Mary Ann introduced me to her. Mary Ann and I got out, and then the introduction to Kate Sweeny took place. Mary Ann then asked Kate to have a ride, and Kate said yes. We then all got in and drove on Broad and Market Street and Fair Street, and on some other streets; returned to Market Street to Mary Ann's father's house. The girls got out then, and I returned, with the horse, to the stable. I positively swear, as I have before sworn, that when Mary Ann and I went to the woods, there was no one else with us.*

Cross-examined by plaintiff: I live with my mother at Newark. Have lived there about eight years. Am a painter by trade; I work at Mr. Mullen's stable. I make three and four dollars a week. I don't exactly remember the date of my ride with Mary Ann. It was on the 5th or 6th day of August, I am certain of that. I came from the stable when I met Mary Ann. I don't know what time I left the stable; it was about half an hour before I met Mary Ann. The last thing I did before leaving was to clean the

* But Mary Ann, who has never been in jail, "positively swears" that this statement is false; and Kate Sweeny could as positively confirm the statement under oath, if she were not afraid of violence from her Catholic friends.

horse I drove. I cleaned five horses there, before I cleaned my horse. I ate my breakfast at about seven o'clock in the morning. I had beefsteak and bread and butter for breakfast, and tea; that is all I had. My mother was at the table with me; no one else; no one else in the room. I washed myself before breakfast. I recollect doing so. I got up that morning about four o'clock. It was middling light then; light enough to see. It was a pretty clear day all day. After getting up, and before washing, I took the bedding from the horses; I recollect doing so. I took the bedding that morning from Sorrel Bill, Frank pony, Dr. Kitchler, Major, bay pony Chartie, bay mare; that's all I remember. I remember taking the bedding from each of the horses I have mentioned on that particular morning. When I left Mary Ann I went to the stable. I got there about six o'clock. I unhitched the horse from the buggy and put him in his stall; then went into the office and took off my coat; then went outside and bedded them. I mean all the horses; there were fifteen or sixteen in all; then went down the cellar and got the feed, cut the hay, put it in the box. Then went in the office and put my coat on; then went up home; got my supper; about half-past seven or eight o'clock; after my supper I went back to my stable again; stayed there till ten o'clock; went home and went to bed at half-past ten or eleven o'clock. I got the carriage at Mr. Mullen's for \$3 50; I asked the foreman of the stable for it. I asked him for it the same Sunday morning. I asked him after I came from my breakfast. I was then washing some wagons. I said I want to hire a wagon and a horse for half the day. Says he, I'll let you know by noon. So he asked Mr. Smith, and he said I could have it for \$3 50. He told me I could have it exactly at twelve o'clock. The bells were ringing at the time. I had one horse in the wagon; this horse was a sorrel; his name was Sorrel Bill; I don't know how old he was. I went right down Market street on leaving the stable, as far as the gas-house, where I met Mary Ann in South Market street. I met her and pulled up to the sidewalk and she got in. Rode down to the Plank Road; down towards New York as far as the bridge; turned round and came back as far as first road to the right which leads to Snake Hill. We were about three-quarters or half hour going from the gas-house to the bridge on the Plank Road, and from there to the road that turned off about eight minutes. I think it was about fifteen minutes before we got to Snake Hill. There is a wood right along the road at Snake Hill; not on both sides of the road; only on one side; there is a lot on the other side; an open lot; no houses on it. I tied the horse to the fence at the right hand side of the road; a post and rail fence. I put the strap through a hole in the post, and tied him very short. This was the side the wood was on; we were about half an hour in the wood before we got back to the carriage. I had a whip in the buggy. I remember all these points distinctly; She sat on the left hand side, not next


the whip. I can't tell what time we met Kate Sweeny. I don't know how long it took to get back from the woods to where we met her. I had never seen Kate before. I did not know her name Mary Ann was driving when we met Kate Sweeny. From the time I got into the carriage at the woods, till we met Kate Sweeny, I was talking with Mary Ann; talking and laughing all the time. Don't recollect what we talked about.

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JOSEPH ^{his}  EGBERT.
mark.

Sworn to before me, this 26th day of June, 1868,
D. P. INGRAHAM, *Justice*.

There is much in the *manner* and *appearance* of a witness to modify the impression made by his words; and in this case there was an air of fearfulness, and an irritability about the witness that impressed us that he was telling a tale which he had woven to order, and that he was fearful of being caught in some way. We have seldom seen a witness more wanting in candor and apparent fairness and truthfulness. Yet he performed his part, and the above is the result.

But it was not deemed safe to leave the case to hang upon the testimony of one man, and so a second was in readiness to testify. These were the two men who were seen with Doane, identifying Miss Smith. Now hear what this young villain has to say:

Edward Ellis.

EDWARD ELLIS, called as a witness for respondent, being duly sworn, testified: I reside in Newark. Am a file-cutter by trade. I know Mary Ann Smith named in the writ of habeas corpus. This is she (witness points out Mary Ann Smith). I have known her since last September. I first became acquainted with her at Smith and Mullen's stable corner of Warren and Washington streets, Newark. I was working at the stable at the time driving coaches. I first made the acquaintance of Mary Ann Smith last September. One day when I and MacBridge were in the hay-mow, Mary Ann was on the roof of the stable with Mary Ann Bowers. We commenced talking through a hole in the top of the mow. A window

opens on the roof of the stable from Mrs. Sponheimer's house. A week afterwards I met Mary Ann Smith in the stable yard. She was alone. I asked her to come in the other stable yard, and she said yes, and came with me into the other yard. This was about half-past seven or eight o'clock in the evening, last September. After she came into the yard, I asked her to come into a coach. A close coach, doors on the sides. I went in right behind her.

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* * *

She then got out of the coach and went into Mrs. Sponheimer's house. I worked in the stable about two months after that. She soon after left Mrs. Sponheimer. This is the same Mary Ann Smith here present.

Cross-examined: I was eighteen years of age the 2d May last. I drove coaches while at the stable. I don't recollect what day of the week or day of the month it was that I got into the coach with Mary Ann. It was early in September last. Mrs. Sponheimer's back stairs came right into the stable yard. I came in the yard first; Mary Ann next. I said, "Good evening; where are you going?" she said, "Nowhere." I said "Come into the yard." She came. I said "Come take a look at the coach." I opened the door and we got in. I said nothing more to her at all. I saw her twice after that, down in the lower part of the city. The last time I saw her was over six months ago. I never had intercourse with her more than once. I have had with other women both before and after that time.* I never had a venereal disease. I have been accused of crime; to wit, of assault and battery, and of breaking away from apprenticeship; nothing else. I have been in jail for three months at one time, and for twenty days for assault and battery on a policeman. I knew the witness Egbert; he was in jail the same time I was.† I don't know for what offence. I attend

* No doubt of this part of the testimony; and it shows his general character; and his whole bearing and manner in Court showed him to be a depraved and hardened villain.

† Beautiful witnesses, these, to swear away the virtue of a young girl, with the character given her by her Pastor, and members of the Church, and Mr. and Mrs. Brittins, and Mr. and Mrs. Fitzgerald. And one one of them is now in jail for stealing fourteen dollars, since he testified. Such are the witnesses procured by Doane, to keep his victim still in confinement.

the Fifth Baptist Church. I have been there three times in the month. The foreman of the stable spoke to me about coming here to testify. I know Father Doane; have never spoken with him. I had never spoken to Mary Ann but once before I got in the coach with her. I thought she would get in the coach from the way she talked on the top of the mow. There was no one in the yard either before or after.

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EDWARD ELLIS.

Sworn to before me, this 26th day of June, 1868,

D. P. INGRAHAM, *Justice*.

So weak was this positive testimony regarded, that, in the opinion of Doane's counsel, it needed to be braced by something additional from the "stable," and the following was furnished by a burly Irish Catholic:

John Shaughnessy.

JOHN SHAUGHNESSY, called as a witness for the Respondent, being duly sworn, testifies: I work at Mullins' stable corner of Warren and Washington streets. I sleep in the stable office. I know Mary Ann Smith here present. I first came to know her when she worked for Sponheimer. She frequented the stable, and kept company with the young men who used to loaf around there. I saw her talk to Markings and Egbert and Sleming and others who used to come around. She was not around in the day time; at night. Almost every night she was around the stable with those young men at and after the hour of eleven o'clock; sometimes as late as half-past eleven at night. From her actions and being out late I considered her a rough girl.

JOHN SHAUGHNESSY.

Sworn to before me, this 26th day of June, 1868,

D. P. INGRAHAM, *Justice*.

Let the reader keep in mind that she *lived* over this stable, and that whenever she was on the back stoop, or in the yard, she was exposed to the gaze and remarks of these "loafers." What a place for a young girl to be placed in any way. And yet the witness does not say she was ever *in* the stable-yard where the loafers were. She "kept company" with them by

seeing them, and sometimes being spoken to by them. That was all. And Mrs. Sponheimer does not intimate that Mary Ann was ever out thus late nights while in her employ. This testimony, also, is therefore obviously a manufactured make-weight.

One more "good Catholic" witness and the testimony is all in :

Elizabeth Hughes.

I know Mary Ann Smith, and knew her when she lived with Mrs. Sponheimer. I worked on vests in the house. I have known Mary Ann for two years. I talked with her while she was at Mrs. Sponheimer's. Mary Ann told me, she, Mary Ann Smith herself, was in the familyway. Did not say by whom. She lived at Mrs., I think, for near a year. I don't know exactly how long.

Cross-examined: I am twenty-three years old next September. I asked Mary Ann how long she had been married. She said three weeks. When she told me she was in the familyway she said she was going away. I couldn't say as to her being in the familyway. I never saw any reason to suppose she was. She told me honestly and privately that she was married, and that the young man's name was Denis Clarey. This was in the Fall when she was at Mrs. Sponheimer's house. I know Father Doane. I am a Catholic, and a good one.

ELIZABETH HUGHES.

Sworn to before me, this 26th June, 1868,
D. P. INGRAHAM, *Justice.*

The production of childish gossip which occurred, if at all, between her and another girl months before her conversion, shows the desperation of the defence to ruin the character of the prisoner if possible, as the only means of keeping her in confinement, and thus making a "good Catholic" of her. But let it stand for all it is worth. And now, having the whole case before us, so far as the testimony is concerned, let us briefly analyze the evidence and see how far it justifies the "Answer," that she is confined for other reasons than for becoming a Protestant.

CHAPTER VIII.

Analysis of the Testimony; and General Remarks upon the Case.

Having the whole case now before us, the following points must be obvious to every unprejudiced reader :

1. Except in the "Answer" to the writ, there is not a shadow of evidence, nor even an allegation on the part of Doane, her father, or any one else, that Mary Ann was not living a regular and virtuous life at the time of her abduction, except that she was attending a Methodist church, and that she was thereby "in danger of losing her faith and morals."

2. The great effort to impeach her virtue was not made or contemplated till the decision of the court made it *absolutely necessary* in order to retain their hold upon her. Up to that time it was only charged that she was "stubborn," and "disobedient," and "in danger of losing her faith," etc.

3. All the improprieties alleged were from six months to four years before she was abducted, at which time she was a Catholic; and yet, if all that is alleged is true, nothing was done by her priest towards shutting her up or restraining her, though he was her "Father Confessor," and must have known through the confessional all that was going on. For she testifies that she went to confession and communion every month up to the time of her conversion. Why, then, did not Father Doane lock her up for being such a dissolute young Catholic?

4. We have the unequivocal testimony of Mr. and Mrs. Brittins, Mr. and Mrs. Fitzgerald, Rev. Mr. Gilbert, her pastor, and two other members of the church to which she belonged, that her deportment was in all respects blameless from the time she went to live at Mr. Brittins, some three months before her abduction, to the time of that event; and none of them had even *heard of or suspected* anything amiss in her character and conduct. Now allowing, for the present, that all that Egbert and Ellis allege was true—that in September she had been guilty of fornication with them (once each, for that is all that they allege), and suppose that in January following she is convinced of sin, repents, finds mercy, and enters upon a new life. Suppose, even, she had been as wicked as Mary Magdalena, and had repented and reformed, and was living, as all affirm or admit, a blameless and Christian life, except that she was a Protestant; what justification does all that afford for her abduction and imprisonment?

At the very worst, even allowing that this young girl had been, seven months before her abduction, dissolute and wicked; but had seen her folly, repented, been pardoned and renewed by the grace of God, and was living a consistent, Christian life; the sins of the past are no justification whatever for her abduction and imprisonment. Though a Catholic at the time when it is said she was abandoned, she is neither imprisoned nor excommunicated; but as soon as she becomes a Protestant, and is leading a regular and consistent life, she is pounced upon by the priest and his allies, and shut up in a Catholic prison!

So far, then, as the question of her former virtuous-

ness is concerned, it really has no bearing upon the case, whatever may have been the facts. Her wickedness while a Catholic in September, would be no reason why she should be arrested in March, if she was then a consistent and well-behaved Protestant. In this light, therefore, this desperate attempt at a justification is an utter failure.

5. But we deny that the evidence of her criminality is worthy of the slightest credit. Look at the character of the main witnesses—two jail-birds and companions of lewd women, and one of them since in jail for stealing. Here is the certificate of the warden of the Essex County (N. J.) prison, showing when and for what Egbert was imprisoned :

ESSEX CO. PRISON, OFFICE, }
NEWARK, Sept. 7, 1868. }

I certify, on honor, that Joseph Egbert has been an inmate of this prison, committed by his mother on the 25th day of September, 1867, as a disobedient son, in keeping female company she did not approve of; and on the 2d of March, 1868, he was convicted of larceny, and sentenced to two month's imprisonment on said charge, which term he served and was discharged.

A. J. JOHNSON, Warden.

Remember, also, the sudden manner in which the testimony of these two men was discovered—the fact that neither of them had ever before spoken of their exploits, or repeated them with her;—the calm and straightforward testimony of the victim of their slanders; and the testimony that Kate Sweeny *would* give, if she dare, that Miss Smith told the truth, and that Egbert swore to a falsehood—look at all these

facts, and see if the testimony of such men is to be believed for one moment against that of the prisoner, whose good character, aside from this testimony, is fully certified to by her pastor and six other worthy citizens and Christians, and stands unimpeached and unimpeachable before the Court and before the world.

And it should be borne in mind that Mullin, at whose stable Egbert, Ellis, and Shaughnessy worked, is a Catholic, and furnishes most of the carriages for Catholic funerals in Newark, and had every motive of sectarianism and of interest for doing his best to please Doane. Hence he was at Court from day to day, and could easily help to drum up the very testimony needed when the emergency came. For all these reasons we put no confidence whatever in the testimony of these men. The whole thing was an *afterthought*, resorted to when every other justification for her confinement had failed, and they must either set her at liberty or resort to this desperate expedient.

6. We should not lose sight of the important fact, that after the testimony of Egbert and Ellis, and feeling crushed and ruined in reputation thereby, this poor girl, when conversed with upon the subject by ladies present, was *anxious* to prove herself a virgin, and her accusers, conspirators, and perjured villains, by a *surgical examination*.

The writer had consulted an aged and competent practitioner, who averred that, under the circumstances, such an examination would be conclusive. We were ready and anxious to apply that test. The girl was as anxious as we were, though she knew that if she was

guilty, it would convict her of fornication and perjury, and consign her to her prison-house, perhaps for years.

Now let any candid person read her testimony, and consider the character she bore among her Protestant employers and other friends, and see if you can believe it *possible* that she was guilty of what was alleged, and knew it all this time!

In view of her consistent life since she has been with Protestants; her candor and artlessness in giving her testimony; her firm adherence to the faith of Christ all this time, and her excellent spirit under such trying circumstances—in view of all this we firmly believe that she is guiltless as an angel of the crimes charged upon her by these two men; and that her anxiety to clear herself by an examination should not only have been met by an order from the Court permitting such examination, but is, of itself, of far more weight in her favor, than the testimony of a dozen such men as Egbert and Ellis can be against her.

7. One other thing should be borne in mind. During the whole trial she was in the hands of her enemies, and usually well surrounded by them even in Court. It was with difficulty that any of us could speak to her. She was brought from the convent in the morning, by nuns, and taken back and locked in at night. These were hard circumstances under which to testify, especially for a girl of sixteen. Whether she would be released or not she knew not; and if not released, what would be the consequences of her having testified as she did, she could not anticipate. And yet, with all these surroundings, and not knowing what was be-

fore her, she was as firm as a rock from first to last. Her whole bearing, conversation, and spirit impressed those who saw and heard most of her, that she was a really converted person, and possessed the martyr's spirit; and would probably die before she would renounce the faith of Christ which she had so cordially embraced. But of all these things the reader will judge for himself.

CHAPTER IX.

Final Hearing and Decision by the Court.

During the process of the trial, the case was before three different judges. First, it was before Judge Ingraham, who, so far as he went, seemed disposed to administer even-handed justice. Then it was before Judge Barnard once or twice, who simply adjourned it over, and finally it came before Judge Sutherland. After the testimony was all in, he took all the papers and fixed upon July 10th, as the day for a hearing of counsel. Mr. Lord prepared his points in writing (and in our humble judgment they were very strong and well put), but instead of a hearing, he was told, as he was opening his plea, that he could not be heard—there were so many other cases waiting, or something of the sort; and the following decision was rendered, without hearing anything from counsel, viz. :

“This is an embarrassing case, and not free from doubt; but, upon the whole, I think the writ must be dismissed and the prisoner remanded to custody.”

“Counsel for plaintiff then asked the Judge to make some order

for the disposition and custody of the child until the case could be reviewed on appeal; but this the Judge refused to do, on the ground that he had no power to do so; his former order having terminated the proceedings."

Of course the Romanists were pleased with this decision, but the poor girl and her friends were sad. Mary Ann wept, and seemed almost broken-hearted. Nearly all the reporters present were touched by the scene, and spoke of her distress in their reports for the papers. After she left the court-room, Mr. Gilbert and the writer got access to her, in the presence of two or three. Her pastor bade her "good-bye," as cheerfully as he could, and we said to her "do not despair. You have friends outside, and we shall not relax our efforts; and you may yet hope to get out." At this the "Reverend Mother" snapped out, "Yes, get out, and go to hell!" Upon this Mary Ann turned to her, and in a mild and respectful tone and manner said: "Well, Mother, you may shut me up, and starve me, and do what you please with me, but *I shall never renounce my religion.*" We asked her if she was obliged to attend services in the convent; to which she answered, "Yes, I have to go through their forms of service, but I worship God in my own way after all;" and she was led away as a lamb to the slaughter.

This is the last that any of her Protestant friends have heard from her, and she has now (Sept. 15th) been in confinement nine weeks since that time—in all from March 26th—nearly six months already in prison for being converted to Christ and joining a Protestant church. And unless the reader has learned to the contrary through the newspapers, he may be sure,

as he reads, that she is still in confinement, if not dead and privately buried.

As to the decision of Judge Sutherland, we can only say that it strikes us as a very singular one. It was a misfortune to us that the case was not all heard before the same Judge; for, as it was, the Judge who finally decided it, knew nothing of its animus, except what appeared in the testimony, which was quite voluminous, and some of it hardly legible. It seemed to us, therefore, that he scarcely entered into the merits of the case. But so it was.

Upon one point, however, in our view, the decision is self-condemned. If the case was "not free from doubt," the poor friendless girl should have had the benefit of the doubt. But it was not so. The Judge doubted, but took the oppressors' side rather than that of the oppressed. In this we are free to say that we think he erred, and ignored not only justice and mercy, but all wholesome maxims and precedents. Happy will those judges be who can say of their administration at the last, as old Job said of his, "I brake the jaws of the wicked, and plucked the spoil out of his teeth."

CHAPTER X.

Comments of the Press.

As a matter of history, and to show in coming years how the matter was regarded at the time, we give a chapter of extracts from the religious and secular press.

The Roman Catholic papers all did their best to sink the character of the poor girl to the lowest depths. The New York *Tablet* led the way as follows :

The New York Tablet, July 25th.

"Who is Mary Ann Smith?" Why, Mary Ann Smith is simply Mary Ann Smith, the new "Mortara," an interesting juvenile who, having graduated with distinguished success on the streets of New-ark, has attained to a degree of precocious profligacy that compelled her own father to apply for her admission to the House of the Good Shepherd, etc.

And thus on through a column and a half. Was ever anything more libelous and diabolical! And yet the poor victim of this Romish malice is dumb herself, and has no relative to take her part against her fiendish maligners.

The *Pittsburg Catholic* said :

After her mother's death she went to live with a Methodist family, and was persuaded to attend Methodist meetings. Her virtue was in serious danger, if it had not been already lost among her new associates. She became the companion of lewd women and Methodist young men, etc.

A fair specimen, this, of the truthfulness of the Catholic press, in regard to all the operations of their church and priesthood.

The other Catholic papers followed suit, some not quite so gross, but others even worse, till the impression is made all over the land among Romanists, that this innocent young girl is nothing more or less than an abandoned prostitute!

Thus Romanism deals with all who leave her pale. Hence, Thomas Quinn, the priest who immortalized the already immortal "Rev. J. McMillen, D.D.," spoke of Hogan and Leahy, two Catholic priests of many who

have come out of Babylon, and of Maria Monk, as "the execrable Hogan and Leahy, and the prostitute outcast Maria Monk." But she, too, was a good Catholic, and even a "sister" without rebuke, till she unveiled the impurities of Roman Catholic nunneries. *Then* she was little better than a demon.

The Protestant press were of one mind, and with one exception that we remember spoke out boldly in regard to the outrage. But we must not take space for extracts. A few from the *secular* press are all we have room to quote.

From the New York Times—Editorial.

IMPRISONMENT OF A YOUNG WOMAN IN NEW YORK FOR TURNING PROTESTANT.—A case of the deepest interest to Protestants as well as Catholics, and involving principles of religious liberty as well as of parental jurisdiction, was decided by Judge Sutherland, in the Supreme Court of the State, in this city, yesterday. The circumstances will be found reported in detail in our legal columns.

A young woman of Catholic paternity and training was converted from the Roman Church to the Protestant faith. She was a person of good character, excellent conduct, intelligence, and strong convictions. Shortly after she had become a member of the Methodist denomination, her father had her arrested for the offence, and incarcerated in a Catholic institution, known as the "House of the Good Shepherd,"—an institution which has a department called the Reformatory Department, the inmates of which are forcibly detained and disciplined for the benefit of their souls.

A few days ago, some friends of the girl attempted to secure her release on a writ of *habeas corpus*; and she was brought from the institution to the Court. She reiterated her renunciation of Catholicity and her adhesion to Protestantism, and expressed her anxiety to return to the friends who had protected her. Her father, however, declared she was a wayward girl, and that it was to keep her from evil that he had put her under restraint, by confinement in the Catholic institution.

After the hearing of evidence and argument, Judge Sutherland decided that the writ must be dismissed, and the prisoner remanded to the custody of the House of the Good Shepherd. Thereupon she was taken out of Court by her custodians, evidently (according to our reporter) "in a very distressed state of mind."

From the New York Times—Law Report.

The particulars of this case, heretofore published in the Times, are somewhat peculiar, and withal interesting—so much so that we will briefly recapitulate. Mary Ann Smith is a motherless girl, aged now about sixteen years. At the instance of her father, she was some time ago placed in the custody of the “Sisters” at the House of the Good Shepherd, a reformatory institution located on the upper part of this island.

For some months prior to her arrest and incarceration in the above-named institution, she was living in a quiet way, with a most respectable family, in the city of Newark, N. J. Her father is a Roman Catholic. What her mother was prior to her death does not appear. A short time ago, and while in the family at Newark, Mary Ann became strongly impressed with the idea that the Roman Catholic is not the true faith. She, therefore, abandoned it and joined a Methodist church. Affidavits made by her friends show that for months prior to her admission to the Methodist church her conduct was most exemplary, and that her character was as good as that of any in the church.

On the other hand, her father—who seems, by the way in which he swears, to have more sympathy for Satan than he has affection for his daughter—insists that she is disposed to be a bad girl, etc.

Of the nunnery this reporter said :

During the investigation it transpired that this House of the Good Shepherd is a very peculiar institution. There is first a department which may be termed the voluntary department. Girls and young ladies go there of their own choice, or are sent thither by their parents or guardians for the purpose of obtaining a good education. In other words, it is a convent so far as the training of youthful females is concerned, and none of the other sex are taken into the institution. In another department young females are taken, as it were, on probation, but in the third class they are taken in as if it were a place of punishment—that is termed the reformatory department. The idea is to punish young women, and at the same time reform them if possible. What are the rules, regulations, penances, punishments, etc., as practiced in the third department of the House of the Good Shepherd upon the young lady inmates thereof, did not transpire upon the hearing before the Court.

After the final decision was rendered he says :

The girl was thereupon taken out of Court, evidently in a very distressed state of mind. It is not probable that a case of this nature will be allowed to rest where it is.

From the N. Y. Sun—Law Report.

Upon the argument, Mr. Lord, for the relator, stated the facts as developed by the testimony to be, that Mary Ann Smith, who is now sixteen years old, had since the death of her mother, about five years ago, lived out at service most of the time, and for the last year had supported herself. In January, 1868, she became a member of the Methodist Episcopal Church in Newark, and since that time had lived a good and consistent life, as appeared by the evidence of her employers and the Rev. Mr. Gilbert. In March last she was induced to go to the house of Mrs. Carrollton, her aunt, where she was detained until her father was sent for; and subsequently her father, acting under the advice of Father Doane of Newark, induced her to go to the House of the Good Shepherd in this city, under promise that if she didn't like it she needn't remain. After being thus induced to enter, the promise was broken, and she was compelled to remain contrary to her wishes, &c.

The whole history of the case was then circumstantially related :

From the Evening Post—Editorial.

The following facts were proved in one of our courts yesterday ; A girl of sixteen or seventeen years of age, who lived as a domestic with a private family in Newark, N. J., was recently taken by her father, against her will, and lodged in the House of the Good Shepherd, in this city, a Roman Catholic house of refuge for fallen women.

This girl has no mother, Her father has brought her up in the Catholic faith ; but she has, in his view, fallen from the true faith ; for she has become a pious and exemplary Methodist. There is no doubt she was living a life without reproach at the time of her arrest.

She was brought before Judge Sutherland, at Supreme Court, Chambers, yesterday, on a writ of *habeas corpus* addressed to the keepers of the house in which she was detained. Their claim to her custody was under the authority of her father, who appeared in person, and in a coarse and profane way attempted to break down his daughter's character. He brought witnesses, decidedly the reverse of prepossessing in appearance, to testify to her shame and their own. But this effort to destroy her character utterly failed.

Judge Sutherland spoke of the case with great hesitation, and plainly admitted that he had serious doubts whether he was doing right ; but, not being satisfied that the facts justified him in taking the child from her father's custody, he gave her back to the "House of the Good Shepherd."

It was shown on the trial that this House is to her a prison, in which other punishment is inflicted than confinement; and it is to be feared that the application of this Protestant girl for personal freedom, and for the protection by law of her conscience against violence, will not improve her situation there.

Harpers' Weekly—Editorial.

Let us have all the light possible upon the subject of the imprisonment of Mary Ann Smith. She is a girl of sixteen or seventeen years of age, who has lived as a domestic in the city of Newark, New Jersey. She has no mother, and her father has educated her in the Roman Catholic faith. But she has become a Methodist, and against her will has now been imprisoned in this city in a Roman Catholic house of refuge for fallen women, called the House of the Good Shepherd. * * * *

This seems to be a case in which the moving cause of imprisonment is a change of religious faith. If, indeed, the girl is dissolute, and the parent seeks her correction under the auspices of the church which he prefers, and she consents, nobody will object. But a prostitute desiring to reform may choose her place of detention, whether Protestant or Roman. But if a girl is being punished for preferring the Methodist to the Roman faith it is a matter of the profoundest public concern. It is a most shameless outrage, and the fact that an unsuccessful effort has been made to remedy it will but aggravate the girl's suffering. The Roman Church here as elsewhere will get all it can. Its steady effort to secure a separate share of the school money; the proposal in the last Legislature to appropriate money for the support of the sectarian schools of that Church; the municipal partiality for it at the City Hall, all show a disposition to foster it, of which the Church is fully conscious, and which it will not fail to improve to the utmost. It is most unfortunate that the law does not furnish an opportunity for an immediate and conclusive investigation of this case. If the girl is illegally detained she must, so far as appears, continue to be the victim of injustice until the General Term of the Supreme Court in November. Should the judgment of that court be unfavorable the case will be carried up to the Court of Appeals.

The *Evening Journal* of Jersey City spoke out repeatedly, and with great force and clearness. In one of its elaborate editorials it said :

IN PRISON FOR CONSCIENCE' SAKE.

If there be one thing more than another which this government and this nation is solemnly bound by its genius, its traditions, and its laws to guarantee and protect, it is the unrestricted liberty of

conscience—the absolute, unquestioned right of every human being to choose his or her religion and religious associations; yet, within the last few days, this most sacred right has been most flagrantly infringed on and violated in New Jersey and New York, and, we shame to say it, with the sanction of the courts of the latter State. To-day, Mary Ann Smith, a girl not yet seventeen years of age, a member of a class on probation in a Methodist Church, in Newark, is restrained of her personal liberty, imprisoned behind the iron gratings of a Roman Catholic institution in New York city, against her own wish and will, in violation of her religious convictions, and in defiance of her clear rights under the law.

We have, up to this time, made no comment on this atrocious case of oppression, because we desired to know the facts, independently of newspaper rumors, and the statements of interested parties. We have taken the trouble to read through carefully all the testimony taken in this case, and now are prepared to present the case to the public.

Judging solely from the sworn evidence on both sides, we now say, that the decoying of Mary Ann Smith into the House of the Good Shepherd, a Roman Catholic institution, her forcible detention therein, the means resorted to keep her there, the attempts made to blacken and destroy her character, and the decision of Judge Sutherland, remanding her to the prison from which she has in vain sought to escape, form one of the blackest chapters of persecution for conscience' sake, of priestly deception and tyranny, of baseness and cruelty engendered by religious fanaticism and servility, and of the power of the Roman Catholic church to pervert the law to its own sinister purposes, that has ever been recorded. What are the facts? The reader will please observe that all the statements we make are drawn from the sworn evidence in the case; the testimony is in our possession, and can be examined by any one desiring to see it.

Mary Ann Smith, daughter of an Irishman, James Smith, of Newark, who had been brought up in the communion of the Roman Catholic church, in January last renounced Romanism, and, professing conversion, was received as a class-member of a Methodist church in Newark. There is no particle of evidence showing

that any undue influence was used on her to produce the change in her views, or, in fact, any influence at all, other than the ordinary preaching of the gospel at a series of revival meetings. Her renunciation of Romanism was public, and was known to her father and other Roman Catholic relatives. Her mother had died five years ago, and since that time her father had made no provision for Mary Ann's support, though he had had the grace not to claim the wages which she earned while at service. She continued in her place as a servant in the family of a gentleman in Newark, and regularly attended the Methodist church with which she had connected herself, in all respects conducting herself, as numbers of respectable witnesses testify, in the most exemplary manner, and bearing the reputation of a virtuous, discreet, industrious girl. Suddenly Mary Ann Smith disappeared. She went out one day in March last and never returned to the house of her employer. For many weeks no trace of her whereabouts could be discovered. Finally the following facts transpired. That she had been decoyed by lying messages, sent to her by some of her Roman Catholic relatives, telling her that some relatives were sick, which was wholly false, into the house of her aunt; that there she was met by a Roman Catholic priest, Father Doane, and by her father, who importuned her to enter the House of the Good Shepherd in New York; she refused, but finally, under a solemn pledge, that if she would go and see the institution, and did not wish to enter it or to remain, she should be free to come away, she did go thither; that the moment she was inside the gates the key was turned, and permission to leave was denied her; that in the House of the Good Shepherd she is classed with and compelled to daily and nightly associate with prostitutes, thieves, convicts from Blackwell's Island, in fact with the worst female characters; is fed on poor food, compelled to work twelve hours a day, and is treated in all respects as a prisoner. There in this condition to-day is Mary Ann Smith, and the only reason is that she has renounced Roman Catholicism and prefers to be a Protestant and a Methodist. This is evident from the testimony of the girl herself, from that of her father, and that of the priest Doane.

Now comes the other additional and far more atrocious chapter

of this history. The Methodist friends of the girl ascertaining her whereabouts, succeeded in bringing her before the courts on a *habeas corpus* process and demanded her liberation. After the examination had proceeded several days, and most of the facts hereinbefore stated had been disclosed, her persecutors took up a new line of defence of themselves, by attacking the character of Mary Ann, and attempting to prove that she was unchaste, and that her father had her placed in the House of the Good Shepherd in order to reform her and save her from a life of prostitution. Two fellows were procured, one of whom swore that he was a jail-bird and a libertine and generally a scoundrel, and the other was apparently of the same sort, who swore that they had personal knowledge of Mary Ann's unchastity. One of these rascals, the one on whose testimony this girl's persecutors relied, was compelled to admit that he gave his testimony in obedience to the request of the priest Doane.

We read carefully every word of the testimony of those two fellows, and have no hesitation in saying that it shows on its face deliberate perjury, and that any intelligent jurymen, after listening to such testimony, would not only discredit it as utterly unworthy of belief, but would feel it to be his duty to bring these witnesses before a grand jury and have them indicted for false swearing—and nothing more would be needed to convict them than the concocted story which they told.

This conspiracy to swear away the good name of this poor girl, and to afford a pretext for her father's interference, is the most utterly fiendish that could be imagined. The girl herself modestly but indignantly denies under oath every accusation, and to show her sincerity consented, nay begged for an examination by competent medical men, in order to prove that these witnesses were lying. Why was not her request granted? Yet Judge Sutherland, who took the case out of Judge Ingraham's hands, on account of the illness of the latter, has sent this girl back to the den of prostitutes from which she begs to be released. He said the case was one of much doubt, and he gave his decision in favor of the priests and the unnatural father and against the girl. Judges who make such unrighteous and weak decisions ought not to escape criticism.

What sort of a father is James Smith, to have the custody of a daughter, when he confessedly has left her to take care of herself, and only shows any anxiety about her when she turns Protestant? What sort of a man is he to have the liberty of his daughter dependent on his word, when he sits calmly by and connives at the villany of profligates who swear away her virtue and seek to make her infamous? Had he been half a man he would have throttled those lying witnesses where they stood blackening his child's character.

The contemplation of the atrocious features of this case is too much for human patience. What sort of a place is the House of the Good Shepherd for an innocent girl, filled as it is with the vilest characters to be found in the lower strata of New York debauchery? We would give the "Sisters" who seek to reform the vicious, and reclaim the erring, all praise for their benevolent and Christian efforts; but what right have they to put along with these objects of their reformatory labors and keep behind prison bars an innocent and persecuted girl, because she has seen fit to renounce Romanism and join a Methodist church? A Judge, put in his place by the votes of Roman Catholics, may wrest the law and turn the "doubt" to oppression's side temporarily. But we are sure that the public generally will agree with us, that such a use of the power of any church as has been made in the case of Mary Ann Smith, to coerce her back to Romanism, is an unmitigated outrage, a wrong that must be redressed. The real friends of Mary Ann Smith must not let her case rest as it is now. Meanwhile, after what has been developed, is it too much to say that it may well be doubted whether the chastity of the life of this girl is safe where she now is?

The *Jersey City Times* was also outspoken and emphatic upon the subject. In one of its issues it said:

A RELIGIOUS OUTRAGE.—When, a few years ago, the Pope stole from a Jewish family, in Rome, the boy Mortara, immured him in a convent and brought him up as a priest, it was hoped that the indignant protest which rang through the civilized world would

have prevented the recurrence of such an enormity. That there was really very little reason for such an expectation, was shown by the fact, that notwithstanding the outcry raised against him, the Pope stuck to his prisoner and refused to surrender him, the boy of less than ten years of age, to his rightful guardians, his parents. The fact is, the spirit of bigotry and persecution dies hard, and that it has yet by no means given up the ghost, is shown by the case of Mary Ann Smith, who, in free America, has been imprisoned for conscience' sake, and whose application for a writ of *habeas corpus*, and its subsequent denial has been before the Courts of New York. The facts of the case are fully spread before our readers in the sermon of Dr. Mattison, published by us yesterday, and if we have before refrained from any remarks on the facts of this remarkable case, it has been because we were unwilling to prejudge it by hasty comment on isolated facts, as they appeared from time to time in the Newark papers. Now, however, one phase of the judicial inquiry is ended, the facts are all in evidence, and the season for longer reticence no longer exists. As they were developed in Court, they are fairly recounted by Dr. Mattison, and may be summed up as follows: A girl of blameless life, forsakes the Catholic faith in which she has been born, and becomes a member of a Methodist Church. Hereupon her drunken and degraded father, who has in no way taken care of her for years, sets up a claim to control her actions, induces her by trickery to enter the House of the Good Shepherd in New York, and there, under his directions, she has since been held a prisoner, and the writ of *habeas corpus*, granted at the request of her Protestant friends, been discharged by Judge Sutherland, who, however, expressed very great doubts of the propriety of his action. In the conflict of opinion, the Judge, however, seems to have thought it incumbent on him to lean rather to the side of parental authority than the right of personal and religious liberty. This, too, when the girl's father was self-convicted of the inconceivable vileness of attempting to destroy her reputation by producing witnesses who swore to having had criminal intercourse with her. It was no true religious feeling which prompted this effort on the part of parent, priest or superior, to destroy this girl's character, and the baseness of the effort is characteristic of

the whole affair, and the fact that the girl's father could be a party to such a proceeding should have decided the Judge at once that he was no fit person to be the custodian of, or even to control the movements, of his daughter. We are glad to know that the case is to be taken to a higher court, and that we are to have the opinion of the Court of Appeals of the State of New York as to whether it is such offence for a Roman Catholic girl to turn Protestant as justifies her being incarcerated with female thieves and prostitutes. Without desiring to raise the least prejudice against our Roman Catholic fellow-citizens, this case plainly shows that we cannot be too jealous of the assumptions of priestly power, and the assertion of special claims of institutions like the House of the Good Shepherd, or the numerous nunneries springing up all over the country, to control and restrain the movements of their inmates. Let the right of such establishments to retain the custody of any of their inmates, be strictly limited to those who have been sent there under a conviction in a court of justice, all others to be treated as voluntary inmates only, free to go and come as they please, and all bequests or gifts of property made in such places to be absolutely null and void. Every country in Europe has had a great fight with such establishments. We shall be saved much trouble if we exercise a little vigilance at the outset

CHAPTER XI.

A New Development—Mary Ann a Devout Catholic(?).

On the 22d of August the following appeared in the New York *Tablet*, a leading Roman Catholic paper :

Mary Ann Smith.

“ We understand that the girl, whose case has acquired considerable notoriety in the public prints, owing to the attempt, on the part of a Methodist minister in Newark, to remove her from a place where her father had placed her, and who, unfortunately, by her conduct and language in the court, did all she could to assist

him in his attempt, has, since she was remanded to the House of the Good Shepherd, regretted her conduct, and now desires to do what is right in every respect. She assisted at the Retreat which was given in that institution in July, and approached the Holy Sacraments. She has since written a letter to her father, which she requested him to show to her Methodist friends, asking them to cease all proceedings in the matter, that she is a Catholic, and wishes to remain one.

"They, however, paid no heed to her request, and are putting her parents and friends to additional trouble by further litigation. The other day they went so far as to take up a collection at the Camp Meeting in Sing Sing, to pay the legal expenses. Have they no young girls of their own going astray that requires attention, that they must needs try to steal a lamb from the Catholic fold? If Mary Ann Smith is now let alone, and ceases to be the object of notoriety which she has been, and which has had a dangerous influence upon her, and remains for a while longer with the excellent Sisters of the Good Shepherd, there is a good chance of her turning out a prudent and well behaved girl. She is learning a trade, and is happy and contented. Under these circumstances we think the Methodists might as well draw off their forces, and not waste their strength in a hopeless undertaking."

The same day the following appeared in the *Newark Daily Advertiser*, it having been furnished for its columns by Mr. Doane :

YORKVILLE, August 1, 1868. }
CONVENT OF THE GOOD SHEPHERD. }

VERY REVEREND FATHER:

Please excuse the liberty I take in writing to you. Be so kind, Rev. Father, as to put a stop to my trial, as I consider there is but one true religion, and in that I mean to live and hope to die. I confess myself a Catholic now, and I hope forever. Rev. Father, the Religious here are very kind to me. I am happy, and as I have but one soul I shall try and not lose it. Be so kind as to tell my father to send my trunk and all my clothes. Rev. Father, if it is not too much trouble, I should like to see you.

I feel as though I shall never leave here. I have a great desire to become a Magdalen. I trust after a little while the dear and honored mother who has charge of my spiritual and temporal welfare will think fit to send me to that holy Retreat of retirement and prayer.

Rev. Father, I most humbly beg your prayers, hoping that our Divine Lord may be graciously pleased to place me in that situation in life wherein I may serve him best. We have had a Retreat

here, and I am so happy since that I would not, to gain a crown, leave here. During that holy time, I have had the very great happiness of receiving the body and blood of my Divine Lord. So now, Rev. Father, you know that I am happy, and shall conclude by remaining,

Your respectfully and penitent child,
MARY ANN SMITH.

Rev. Father, I had nearly forgot to mention that I had received a valise with my name. The articles it contains I do not claim as mine. You will, therefore, Rev. Father, be so kind as to ask my father if he has sent such articles here.

M. A. S.

In republishing this letter, the *Jersey City Times* said :

It would not, perhaps, be considered a courteous proceeding to call a reverend priest a liar and a forger, but the letter purporting to have been written by Mary Ann Smith, which was published in our columns on Thursday, if it does not create suspicions of forgery and falsehood, does certainly excite an apprehension that the letter was produced under influences not the most honorable. A set of men who believe that the end always justifies the means, and who have already proved their faith in the principle by forcibly immuring an innocent girl in a prison, would not be likely to stop at a mild forgery, or to procure the girl's signature to a document by the appliances of threats or force.

The letter published in the *New York Tablet* bears evident marks of a hand more skillful in the use of the pen than that of the imprisoned girl, who can neither read nor write; and if the writer, who so accurately worded the epistle, did not give it publication without her actual signature, it is more than likely that she subscribed her name without a knowledge of its contents, or under influences of fear or force. The request "to put a stop to her trial," which is the principal point in the letter, will have but little weight with the men who have taken up her case. It will be answered by even more vigorous efforts to liberate her from incarceration, and by a more forcible demand that the rights of all to freedom of opinion shall be respected.

The *Evening Journal* of Jersey City, whose editor had read all the testimony and well undertood the whole case, reprinted the letter, and accompanied it with the following pertinent observations :

In the foregoing we have given our readers all that is accessible

by us up to this time, and they must judge of the statements made. Our own clear conviction is, that the letter purporting to be signed by Mary Ann Smith is no work of hers. It bears in every line of it evidence of having been carefully prepared by some priestly hand. It is unquestionably a put-up job, and not very shrewdly put up at that.

Now let Mary Ann Smith's Protestant friends insist, without delay, on seeing her, where she can, without intimidation or undue influence, tell the whole truth about this letter. It surely cannot be impossible to get such access to the poor girl as will insure the finding out of the exact truth. No such presentation of the case as is now made by the *Tablet* and Father Doane will ever satisfy any reasonable mind. The desperate and dastardly attempt made by hired jail-birds to swear away the character of this persecuted girl, will make all candid minds look with grave suspicion on anything in which Father Doane has a hand. The man who would stoop to the infamy of urging a conscienceless villain to swear that he had destroyed a young girl's virtue, must not expect the public to hold him incapable of manufacturing letters to which the same poor victim might be compelled to affix her signature. This Mary Ann Smith case looks to us darker than ever before, and it will be a gross and cruel wrong if the whole power of the law is not used to ferret out the whole truth of this business.

“Carl Benson,” in the *New York Times*, of August 28th, says :

The Incarcerated Girl Mary Ann Smith.

To the Editor of the New York Times :

Ever since that article from the *Tablet* appeared in your columns last week, I have been expecting that some notice would be taken of it, either editorially or by correspondents. Allow me to call your attention to two grave questions which it suggests :

First—Of what value are the words or letters of this young woman under duress, and obliged by, no one knows (but we may shrewdly surmise) what, mental or physical influences to write whatever may be dictated to her ? Compare them with her protestations in open court when not acting under pressure. Can any candid and rational man hesitate as to which of the two are to be believed ?

Secondly.—It is assumed by the young woman's father and the *Tablet*, that she was a “bad girl.” In what her depravity consisted, beside wishing to be a Methodist, is not stated, nor is there before the public any proof of its existence, only the insinuations of persons with whom insinuations and even downright assertions are cheap, it being part of their system that the end justifies the

means. Certainly it does seem rather cool to affirm of the Methodists—the largest denomination of Christians in the country, I believe—that any person wishing to join their Church must necessarily be bad. Let us have the proof. Let these people tell the truth, if they know how and can be made to. Unless I am greatly mistaken, the public will expect something more than the loose assertions and vague hints of persons whom it is not always quite safe to believe upon oath.

CARL BENSON.

Such were the frank and bold utterances of two secular editors, in the very neighborhood of the transaction, and in the most "Catholic" city in America. Though they make no pretensions to religion, yet, knowing all the facts as they did, they had too much conscience and courage to remain silent over such an outrage. But the *Standard*—a "Democratic" daily in the same city, run in the interest of rum and Romanism—published the extract from the *Tablet*, and the pretended letter from Miss Smith, but refused to publish a word upon the other side. This, we suppose is Democratic gallantry and justice.

The *New York Examiner*, a Baptist paper, had an editorial upon the subject, in which it said :

In this New York branch of the Inquisition this young Christian was imprisoned, forced to associate with women of the vilest life and character, and compelled to submit to such "reformatory" measures as the "holy father" and "sisters" of the institution deemed necessary for her restoration to the Roman fold. * *

It is said that the efforts of the girl's friends will not stop here, and we earnestly hope they may not. If there ever was an outrage upon religious freedom this is it. Austria herself makes fourteen the age of religious liberty from parental restraint, and if in America a young woman of sixteen is mature enough to have convictions, she ought to be protected by the State in the unmolested enjoyment of them.

Under the head of "*The Inquisition in America*," the *Church Union*, of New York, thus refers to the case :

We inquire not now, whether her faith was Jew, Turk or Christian. We simply say that whatever it was, so long as no violation of good morals was involved, the child had just as much right to her religion as the parents to theirs, and any attempt to use parental power to coerce or punish her choice, was an outrage upon the natural rights of every human being, and in particular upon the constitution of our free country.

After speaking of her persecution and imprisonment the writer proceeds :

What means of intimidation and chastisement were used further to break her spirit and bend her to the purposes of her "instructors," we cannot guess. It is known that there are such means as, in the case of a girl at or near the age of puberty, can reduce the strongest spirit to abject and slavish submission, moral or physical, to her master. * * * A result that might have been relied on with certainty—supposing the means were sufficiently unscrupulous—is before us. A letter purporting to be from the girl is just published, after some six months' incarceration, etc., if we mistake not, in which she begs to have a stop put to her a trial," as she returns to the faith she had abjured. The letter is "most piteous expression of a crushed spirit, exhibiting a dread of returning to the world and an anxious desire to find a final retreat in a Magdalen Institution. The significance of this sad wish, God knows, not we. May the true "Good Shepherd" yet save his lamb at the last!

If she ever sanctions that letter, there is reason to believe that the above suspicions are well founded; but we do not believe she has the slightest idea of any such letter, even down to this hour.

To the letter purporting to have come from Miss Smith, Rev. Mr. Gilbert, pastor of the young girl, and prosecutor in the case, made the following reply in the *Advertiser* of August 20th :

Letter from Rev. Mr. Gilbert.

MR. EDITOR:—In last evening's "Daily" a letter is published claiming to come from Mary Ann Smith. As Miss Smith can neither read nor write, and according to Mr. Doane (the Rev. gen-

tleman will excuse me if I decline using the term "Fatner." I do not find it ever in Scripture applied to a minister of the Lord Jesus. It is used in connection with the Devil, but as he is called the "father of lies," I suppose this will hardly be quoted as a precedent,) has a mind of almost the lowest order, this letter is certainly a very remarkable production. Perhaps mingling with those by whom she is surrounded, street walkers, "disobedient children," etc., has produced so great a change. She begins with the request, "Be so kind, Rev. Father, as to put a stop to my trial." Were we in Rome or Spain, there would be no difficulty in putting a "stop" to anything that interfered with the designs of the Papacy. A Roman Catholic Alderman in Chicago thought that a "stop" could be put to Dr. Hatfield's preaching on the subject of Romanism, but found that the time had not yet come for such "stops" in free America.

Seriously, Mr. Editor, this letter, so faultless in grammar and style, could not have been composed and written by a poor girl who can neither read nor write. Mr. Doane will remember that once before he proclaimed through your columns that Mary Ann was pleased with her surroundings. We have her own testimony that she was not. When we have the word of Miss Smith herself, from her own lips, that she has been reconverted to the Romish faith, and does not wish to leave the "House of the Good Shepherd," we will stop proceedings, and not before. The *Tablet* says that Miss Smith wrote a letter to her father, desiring him to show it to her Methodist friends. Why has the letter not been shown to those who have charge of the legal proceedings in the case? "They, however," says the *Tablet*, "paid no heed to her request." This is false, for no such request has been presented. "Is it honest?"

LUTHER.

CHAPTER XII.

The Forged Letter Challenged—Correspondence with
"Father Doane."

Having seen the alleged recantation in the Newark papers, I immediately repaired to that city to inquire into the matter ; and on the 22d of August, not having seen the foregoing suggestion from the *Evening Journal*, as to seeing Miss Smith, addressed the following letter to "Father Doane," through the columns of the paper in which the forged letter appeared :

Letter to Father Doane.

JERSEY CITY, August 22, 1868.

REV. G. H. DOANE :

DEAR SIR,—I notice in the papers a letter published by your direction, purporting to have been written by Miss Mary Ann Smith, in which she avows herself a Catholic, and contented and happy in her confinement, and that she wishes the suit for her release abandoned that she may become a Magdalen, etc. Now everybody knows that a conversion or reclamation effected by imprisonment, hard fare, and hard labor, with despair of release, is just as valid as a note of hand or a bequest procured under duress, and no more so. Even if she wrote the letter, it is of no account, since it was wrung from her by the discipline of the Inquisition. But waiving all that, as a party interested in her release, and as you have published the letter, I address you through the same medium to say, that if Miss Smith wrote or dictated that letter, and the facts are as therein represented, I am willing for one to discontinue the suit. But I doubt the genuineness of the letter ; or, if it is genuine, believe it has been procured by threats or bribery, or in

consequence of her despair of ever being released. Besides, as the poor girl can neither read nor write, it would be an easy thing to deceive her, and get her consent to the letter, when read differently from what it really is. In a word, I believe the whole thing a forgery, an outrage upon the unhappy prisoner, and an insult to the public. My reasons for this opinion are these:

I. Miss Smith gave evidence of genuine conversion to Christ, and of the existence of a principle of devotion to Him which would not be easily shaken by bonds and imprisonment.

II. After having been in your "religious institution"—(such you declare it to be in your first published letter, which you swore in court was true, although the State of New York pays twenty-five thousand dollars a year to sustain it,* and your "Mother Superior" swore in court that it was *not* a religious institution)—after having been in this Bastille three months, working twelve hours a day, and subsisting mainly on mush and stale bread and molasses, she was as firm as she was the day you sent her there, in her adherence to the true faith of Christ; and so declared in court and to yourself and the nuns who surrounded her.

III. After the decision remanding her back, I heard her say to the "Reverend Mother," as you style her, "Well, Mother, you may *confine* me, and *starve* me, as long as you please, but *I shall never renounce my religion, I have seen enough of the Roman Catholics.*" This last remark had reference to the false witnesses procured to prove her a prostitute. The last we heard from her, therefore, even after the decision against her, she was as firm as at

* In 1867 it was \$5,000, and in 1868 \$25,000. We state this upon the most reliable authority, and can verify it by public records. On the 10th of September, 1868, the Board of Supervisors for the city and county of New York, appropriated \$15,000 more to the same institution, making \$40,000 this year. All this while the case of Miss Smith is pending in court, as a defiance to the Protestants of the city, and to help consolidate the Catholic vote in the presidential election.

any other time. I told her not to despair—that she had friends outside, and that she might yet hope to be released, to which the old “Mother” snapped out with a vengeance, “Yes, get out and go to hell!”

Now, with all this before us, we are asked to abandon the suit for her release, upon the evidence of such a letter, procured from her if at all, we know not when, or how, or by whom, and without our seeing or communicating with her in any way! Surely, sir, you must think us and the public a set of fools to be caught by any such chaff.

But I have further evidence that the pretended letter is a forgery.

IV. I went yesterday, in company with Rev. Mr. Gilbert, to see the father of Mary Ann—told him I wished to talk with him in a friendly way about the case, and that if Mary Ann really desired to stay in the nunnery, we would withdraw the suit. I then proposed to him to go with us to the institution to-day, promising that if Mary Ann said in our presence that of her own free will and accord she preferred to remain where she was, we would drop the suit. Instead, however, of accepting this reasonable proposition, and thus settling the matter forever, he flew into a passion, and turning to Mr. Gilbert, said, “You are the prosecutor, are you?” I answered, “He is.” “Well,” said he, “I’ll pursue you till yer heart’s blood!” I said to him mildly, “O, don’t talk of heart’s blood;” to which he replied, “Yes I will, and I’m the very mon for it.” Upon this we left; from all of which I infer that the father *knows* the whole thing to be a fraud, and was maddened by the proposition which he knew would expose the whole plot. If Mary Ann dictated the letter, and desires to remain where she is, why should her father fear to have her see us, and tell us her wishes face to face?

V. Some days since Mr. Smith visited Mrs. Fitzgerald, with this letter, or another purporting to have been written by Miss Smith, and urged Mrs. Fitzgerald to do what she could to stop the suit. Mrs. F. promised to do so, in case Mary Ann desired it; and as she had seen her once in the institution, under a permit graciously granted to her by yourself, and when there the ladies in charge

had invited her to come again, assuring her that no new permit would be necessary, she concluded to go and see Mary Ann for herself. Accordingly, she went yesterday with her husband, and after encountering all kinds of excuses and pretexts for an hour and a half, was finally refused permission to see her, on the ground that to see Mrs. Fitzgerald might disturb her tranquility, or make her discontented. Here is a *fifth* proof that the pretended letter is a fraud. They *dare not* let Mary Ann see any Protestant, because they know that she would expose and denounce the whole plot.

These, sir, are my reasons for believing the whole affair to be but a "pious fraud," got up to deceive us and the public—an affair in which no honest man, and especially no professed minister of Christ, should knowingly participate.

Your favorite organ, the *New York Tablet*, says: "In God's name let the matter be again thoroughly examined—let there be light." We Protestants all say *Amen*; let the *truth* come out, hit where it may. And we are resolved that it *shall* come out. And we are not going to be fooled by so transparent a ruse as the pretended letter from Miss Smith. And now, sir, to settle the whole matter in a day, and have an end of it, I make you this proposition:

On Tuesday next, August 25th, at ten o'clock A. M., you shall meet Rev. Mr. Gilbert, Rev. Dr. Poor of your city, Gen. Runyon, Mrs. Fitzgerald and myself, or such of us as can attend, at the House of the Good Shepherd, on Eighty-ninth street, near East River, New York, and procure for us an unrestricted interview with Miss Smith. I will read the pretended letter to her, and question her as I think best as to the whole affair. The questions and answers shall be written down, and signed by all of us, and published the next day in the *Daily Advertiser*; and though Miss Smith is thus confined, and in the hands of her enemies, and would be liable to punishment and perhaps death if she testified against you, nevertheless, if she tells us that she dictated that letter of her own free will, and that she wishes to remain where she is, the suit shall be withdrawn, and there the whole matter shall end. The public can then judge from her own words, printed in these col-

umns; and if the facts are as the letter affirms, both yourself and your cause will thus far be fully vindicated.

Now, sir, let there be no evasions or equivocations about the matter. Let us see Mary Ann together, and see whether the letter is genuine, or a shameless forgery.

Your obedient servant,

H. MATTISON.

In republishing this letter, the *Evening Journal* of Jersey City said :

The Newark *Advertiser* of Saturday publishes the following letter from Rev. Dr. Mattison of this city, to Rev. Father G. H. Doane of Newark. It requires no comment. But if Father Doane does not accede to Dr. Mattison's fair and reasonable proposal, there will be much comment and something else.

In answer to my fair and reasonable proposition, Mr. Doane published the following sweet-spirited and manly reply, in the next issue of the *Advertiser* :

Dr. Mattison's Railing Accusation.

MR. EDITOR—Dr. Mattison must feel better. For some time he has been running around the ecclesiastical arena looking for an antagonist. Were he of Celtic origin I should say he was "spoiling for a fight." Last year he publicly invited me to hear him show his ignorance and prejudice on a subject upon which I need no instruction from him. This summer he boldly attacked the Catholics in Chicago, but for some reason or other he retired from the field when their champion appeared. And now he has delivered himself of a direct violent and personal attack upon me. I am sorry to disappoint him, but I cannot recognize his right to interfere in the matter on which he writes, nor hold any controversy with him on this or any other subject.

With regard to the letter which he charges with being a forgery, I can only say that I received it through the post, and that it gave me great pleasure as indicating a happy change in the girl's spirit-

ual and moral condition; that I answered it, expressing my gratification, and urging her to persevere; that in a few days, as I had been requested, I went to see the child, and that she confirmed by word of mouth what she said to me in the letter written for her by one of the sisters,* and that being in your office last Tuesday I showed you the letter, and you asked leave to publish it. This is the simple history of the letter. It was not even written for publication, and only accidentally some three weeks after its receipt saw the light.

Dr. Mattison winds up his letter with a proposition for me to meet him and his colleague, Mr. Gilbert, Dr. Poor, Gen. Runyon, etc., at the House of the Good Shepherd, next Tuesday, August 25th, at ten o'clock, to examine into the question as to whether that letter was a forgery or no. Were this a personal question entirely, I would not allow my truth and honesty to be doubted by submitting the matter to a mixed commission, but as it is, to a certain extent, one of general interest, for the sake of truth, and waiving my own feelings, I am willing to meet, not him, nor Mr. Gilbert, for I have too much self-respect to associate with persons who make such reckless charges, and too much regard for the sisters to ask them to admit into their house† those who suppose them capable of such conduct as they have attributed to them, but Dr. Poor, Gen. Runyon, or any other gentleman, any day that suits their convenience, ask the sisters to show them the Institution from top to bottom, see Mary Ann Smith, the poor unhappy incarcerated girl, and they can publish the result of their visit as they see fit.

As the name of the Rev. Mother has been mentioned in the letter, and in the New York papers at the time of the trial, I would simply say that she was not in Court at all. Mary Ann was accompanied by a lay sister who attends to the out-door work, and who must have lost her patience from the remark that is attributed to her at listening to the poor girl's falsehoods and misrepresentations,

* Mark Mr. Doane is careful not to say that Mary Ann said she dictated the letter or had any knowledge of it.

† It is "their house" is it?

and at the loss of time to which she was subjected by her frequent journeys to the court, caused by the interference of these persons.

A simpler explanation than the existence of a plot which he wished to conceal might be given to the angry remarks of the justly incensed father in the presence of those who had tried to steal his child from him. I am only glad, for *his* sake, that there was nothing more than an angry word. Were he a man of means these persons would not have dared to approach him as they did. A summary ejection would have been the consequence. They think to take advantage of his poverty, and humble position in society, to trample on his rights, but they will find that there are those who will make his poverty and his humble position respected.

Were the case the opposite of what it is, and were Mary Ann a Methodist girl, under age, who had fallen under Catholic influence, and been removed by her friends from it, for that and other causes, what would be said of a Catholic priest, or Catholic friends, who sought to see her and interfere? Would such a thing be tolerated in that instance? Why is it in this?

I have done with Dr. Mattison. I have tried not to answer railing for railing, though under great provocation. It is not for me to judge, but I can only say to him, as did St. Michael, the Archangel, when, contending with the devil, he disputed about the body of Moses, "The Lord rebuke thee."

G. H. DOANE.

NEWARK, August 24th, 1868.

In publishing this letter, the *Evening Journal*, of Jersey City, accompanied it by the following editorial comments:

The offensive personalities of the writer of the foregoing, and his obvious annoyance and ill-temper, contrasting as they do with the straightforward, manly proposal of Dr. Mattison, cannot fail to make on every candid mind a strong impression that Father Doane is in the wrong in this business, and that he knows he is. Dr. Mattison's reputation as a scholar, a clergyman and a gentleman, is quite as well established and as widely known as that of Father Doane, and the latter's expressions of contempt are evidence only

of an affectation of ignorance, or of that impertinence which marks assumptions of superiority in those who have no just claims to it. They do not at all affect the merits of the matter in controversy. As to Dr. Mattison's retiring from the Chicago controversy last spring, it is well known to the public, and to Father Doane too, that it was the Catholic champion who made the attack, and that it was he, and not Dr. Mattison, who ignominiously retired from the field. In a matter of history so recent and so notorious, Father Doane should be more accurate if he wishes the public to place any reliance on any statement which he may make. Father Doane is careful not to deny that the letter, purporting to be the production of Mary Ann Smith, is a forgery. He says he "received it through the post." Why not? That was easy enough if it had been ten times a forgery. The real point is, did the girl herself either write or dictate any such letter, or does she now assent to what is therein contained? This is what Dr. Mattison and the public wish to know, and not by what means it reached Father Doane. And we cannot help suggesting to Father Doane, if as he says, the letter was not written for publication, that it is most unfortunate for him that it ever did see "the light." The air of injured innocence which Father Doane puts on both for himself and the managers of the institution where the girl is confined, will avail nothing with the public. Father Doane and the Catholic sisterhood may tell us that they will not allow their truth and honesty to be doubted, but they will find that a candid public will doubt both, if they persist in their present course of conduct. Father Doane's sneers about "Mary Ann Smith, the poor, unhappy, incarcerated girl," and his cruel repetition of the charge of "the poor girl's falsehoods and misrepresentations," indicate that he has as little heart as he has good judgment or command of his temper.

Seeing from this evasive, untruthful and insulting letter, that what I had heard of him before was true—namely, that Mr. Doane is not only a man of small calibre, but is quite reckless as to his statements—and seeing also, that he was disposed to divert attention from the

matter in hand by provoking a personal altercation, I at once responded to his epistle through the same medium, correcting some of the falsehoods of the letter, in the following straightforward and emphatic manner :

Dr. Mattison to "Father Doane."

JERSEY CITY, August 24, 1868.

Rev. G. H. DOANE—

DEAR SIR:—Your response to my letter is about what I expected. I had no idea that you would dare to have Rev. Mr. Gilbert, Mrs. Fitzgerald or myself—the parties who know most of the case, and have the best right to be satisfied—see Miss Smith, and question her as to the letter, and her present contentment and wishes. Notwithstanding all you have said now, for the second time, as to her happiness in her confinement, you dare not allow us to see her. You fear she might contradict you, as she did before under oath. For this reason alone you decline to have those persons see her, who, from their connection with the case, would be most likely to expose you and your devices.

But I must notice a few things in your letter, point by point.

1. You say: "For some time he has been running around the ecclesiastical arena, looking for an antagonist." This statement is without a shadow of foundation in truth.

2. You say: "Last year he publicly invited me to hear him show his ignorance and prejudice upon a subject which I need no instruction from him." I did invite you to a lecture; but you had not sufficient courage to listen to the proof that Romanism is dying throughout Europe. Perhaps you feared another sudden conversion, this time back to the religion of your fathers, which you so suddenly abandoned to become a Catholic priest.

3. You say: "This summer he boldly attacked the Catholics in Chicago, but for some reason or other he retired from the field when their champion appeared." Not a word of this is true. "Father Hecker" attacked Protestantism, and I answered him; and when "Rev. J. McMullen, D.D.," challenged Bishop Scott, or

"any other gentleman, lay or cleric," to meet him in debate, and, at the request of Bishop Scott, I accepted the challenge squarely—McMullen ingloriously fled from the field. And so far from "retiring from the field" am I, that I stand ready at any time to meet either Dr. McMullen or yourself in Newark or Chicago, to demonstrate before any audience that Roman Catholicism is at best but a corrupt form of Christianity. This offer, which I make to you publicly and in good faith, will, I hope, convince both the public and yourself that the fling about "retiring from the field" is not applicable to me, but to a blustering Roman Catholic priest in Chicago.

4. You complain of "a violent and personal attack upon yourself." When? Where? There was nothing of the kind in my letter, and the public know it. But you, who could advise that a young Methodist girl be abducted from her pleasant home, and locked up in a nunnery, begin to feel a want of public sympathy with you in your efforts; and so you cry "persecution," to start the emotions. Verily, sir, you are one of the injured innocents! How you have been assaulted and abused! Ye who have tears to shed, prepare to shed them!

5. You "cannot recognize my right to interfere." It matters little to me what you do or do not recognize. But the public may know that I have been invited by those who had the case in charge, to assist in it; and am as legitimately in the prosecution as you are in the defence. Please bear this in mind in future.

6. Your assertions as to the latter may satisfy your partizans, but they fail to satisfy us and the public. You have been mistaken as to her contentment and happiness once since you locked her up, and you may be again. We prefer not to get our intelligence from Miss Smith through the man who ordered her imprisoned, and who claims that she has been reconverted by confinement in a nunnery. We remember the recantations of Galileo and Archbishop Cranmer.

7. As to your offer to go with Dr. Poor (who I understand is out of town) and General Runyon, who has no personal knowledge of the case, it is a mere evasion, and an offer which you knew could not be accepted, otherwise you would not have made it.

Rev. Mr. Gilbert, the prosecutor in the case, and myself and our lawyers, are the parties to investigate it, and not persons who have little knowledge of it.

8. But you decline to go with Mr. Gilbert and myself, on the ground of "self respect!" Really, sir, I was not before aware of your exalted dignity! But knowing it now, I will relieve you from further embarrassment. Stay at home, sir, and nurse your dignity; but send me a permit for General Runyon, Rev. Mr. Gilbert, and myself, to visit Miss Smith without the presence of your Reverence, and thus the same end will be reached and your "self respect" remain unsullied. By the way, let me advertise you here and now, that the time is not far distant when citizens of New York will not be obliged to ask Roman Catholic priests for "permits" to visit institutions that are supported from the State Treasury.

9. Speaking of our visit to Mr. Smith you say, "I am only glad for *his* sake that there was nothing more than an angry word." That is to say, but for the legal consequences to Mr. Smith, you wish he had shed Mr. Gilbert's "heart's blood," as he threatened to do. Such, then, is your religion—smash the windows of Protestant churches, kidnap young Protestant girls, and then shed the "heart's blood" of those who wish to ascertain the truth as to a forged letter! Really, sir, you are worse than Peter, your first Pope, who only lied and cursed and swore a little, and cut off the *ear* of Malchus, without shedding his "heart's blood."

10. You say: "Were the case the opposite of what it is, and were Mary Ann a Methodist girl under age who had fallen under Catholic influence, and been removed by her friends from it, for that and other causes, what would be said of a Catholic priest, or Catholic friends, who sought to see her and interfere?" This is a false presentation of the case. You have done more than remove Miss Smith from her chosen home and friends. You have *imprisoned* her because she would not submit to your dictation and renounce the faith of Jesus. No Protestant ever did or ever will do such a thing. We believe in civil and religious liberty and the rights of conscience. And we care not who abducts and imprisons

another, whether a minor or an adult, for conscience' sake; we will resist all such oppression by whomsoever perpetrated.

You have a wonderful regard for the rights of parents all at once. How was it a few years ago when your Church stole young Mortara from his parents (a Jewish boy of seven years, who had been secretly baptized by a Catholic servant, when an infant) and kept him in spite of all they could do? This is a case exactly in point, and the whole Catholic press and priesthood approved of the abduction.

11. You "have done with Dr. Mattison." Not quite done, sir; or, if you are done with me, I am not yet done with you. Nor do we mean to be, till it is forever settled that no person, adult or minor, Jew, Turk, Mormon, Catholic, Protestant, or Infidel, shall be kidnapped and imprisoned, by father, priest, or Pope, or all combined, on account of their religious convictions. *That* is the issue we mean to try before this whole nation; and unless you release Mary Ann Smith—and all others now in confinement for their religious opinions, and recognize religious freedom and the rights of conscience, as the birthright of every American citizen, it will be some time before you and your church are "done with Dr. Mattison." You may kill me, as your co-religionists have more than once threatened to do, but my blood would be a worse heritage to Popery than that of John Brown has been to slavery.

Meanwhile, the suit for the liberation of Miss Smith must go on.

Very respectfully yours,

H. MATTISON.

This is the last we have heard of "Father Doane." He has "done with Doctor Mattison!"

CHAPTER XIII.

Present State of the Case, and Hopes for the Future.

Upon the decision of Judge Sutherland, the girl was taken back to her prison-house, where, if not dead, or spirited away to some other similar place, she still remains. But the remarks in the bogus letter about her becoming a Magdalen, and going to a Magdalen retreat, indicate a plot to remove her from New York. But the future may settle all these questions.

NOTICE OF APPEAL.

The following Notice of Appeal has just been served upon Doane's counsel :

SUPREME COURT.

City and County of New York, ss :

THE PEOPLE OF THE STATE OF NEW YORK, on the relation of Jesse S. Gilbert, *against* The Lady Superior, Reverend Mother, or other person having charge of the House of the Good Shepherd.

GENTLEMEN :

Please take notice that the plaintiff appeals to the General Term of the Supreme Court from the Order of the Special Term, entered herein on the 18th day of July, 1868, and from the whole of said Order.

Dated July 15th, 1868.

LORD & SKIDMORE,
Attys. for Appellant.

To

T. O'CONNOR, Esq.,
Atty. for Respondent..

GEO. W. LORD,
Of Counsel.

CHARLES A. LOEW,
Clerk Supreme Court.

Since the appeal was taken to the General Term, E. L. Fancher, Esq., has been associated with Messrs. Lord and Skidmore, as counsel in the case.

The General Term will commence in New York on the first Monday in November. Judges BARNARD, INGRAHAM, and CARDOZO, on the bench.

What the decision will be here, it is not possible to predict; though it is believed by those whose opinions upon such subjects are entitled to great respect, that this Court will reverse Judge Sutherland's decision, liberate the prisoner, and allow her to choose a guardian till she is eighteen.

If we fail there, we shall go to the Court of Appeals, Albany, on the first Tuesday in January next. This Court consists of seven judges—one from each district—and will be presided over by Chief-Justice Hunt. The names and residences of the Judges are as follows :

Hon. WARD HUNT, (Chief-Justice,) Utica, N. Y.

“ CHARLES MASON, Hamilton, N. Y.

“ LEWIS B. WOODRUFF, New York City.

“ THOMAS W. CLERKE, “ “

“ THEODORE MILLER, Hudson, N. Y.

“ WM. J. BACON, Utica, N. Y.

“ CHARLES C. DWIGHT, Auburn, N. Y.

Whatever may be the result of this case, we propose to appeal to the next Legislature of New York, and to all friends of Religious Freedom and the rights of conscience throughout the State and country, for laws under which commissioners, or inspectors, appointed

by governor or otherwise, shall be authorized and required, (upon the oath of any reputable citizen that he believes that, in any specified monastery, nunnery, or school, there are persons restrained of their liberty, who are legally entitled to freedom,) to visit such institution, and ascertain whether or not such are the facts; and in case they are, to liberate such prisoners.

If we have inspectors of State prisons, etc., much more do we need inspectors of Roman Catholic nunneries and "schools."

We *know* that there are other Protestants imprisoned in New York for "changing their religion," and we believe that there are hundreds of nuns, in the three hundred nunneries in this country, who in an evil hour have "taken the veil," but have since bitterly repented the fatal step, and sigh for an opportunity to escape; and that if once seen, and assured of freedom, and of *protection* when liberated, if they desired them, would rejoice at the overture and go out by hundreds. This offer they should have, if need be, once a year in every nunnery in the land; and Protestants should never rest till laws securing such freedom are enacted in every State in the Union. In fact they ought to be enacted by Congress, and enforced by all the power of the General Government. For every such instance of imprisonment, except upon conviction for crime, or by order of some judge, is an infraction of the Constitution of the United States. The XIIIth Article of the Constitution, sec. 1, says:

Neither slavery nor involuntary servitude, except as a punishment for crime, whereof the party shall have been duly convicted,

shall exist within the United States or any place subject to their jurisdiction.

Of what "crime" has Mary Ann Smith been "duly convicted?" By what order of any court of justice is she confined?" Why, then, is she imprisoned and kept at hard work, "involuntary servitude," at the bidding of a Catholic priest?

Still further, whatever may be the result of this struggle for the rights of conscience and religious liberty, at these earthly tribunals, the case will go to a Higher Court than all—namely, to THE JUDGMENT SEAT OF CHRIST, where all persecutors will be confounded, and all false witnesses and oppressors will meet their deserved and irrevocable doom. When the millions who have bled or burned, or have been broken on the wheel or rack, or slaughtered in cold blood, in England, and Ireland, and France, and Spain, and the Netherlands, and in Rome, by the Papacy, shall stand before God, and bear witness against their murderers, *then* will the persecutors and maligners of MARY ANN SMITH appear also; the secrets of the "House of the Good Shepherd" will be revealed; and all who have been concerned in this most infamous transaction, be covered with "shame and everlasting contempt."

But we have hope of justice at last, even in this world, and for the following reasons:

1. We believe God is ever on the side of the oppressed, and that He will aid us in defending the innocent. Thus far, His hand has seemed to be with us at every step; while every movement of the Inquisitors only made their cause look worse and worse. And so we believe it will be to the end.

2. There are several precedents already on record ; decisions which settle the principle of the rights of conscience, even for minors. For although we could have shown that James Smith had forfeited all right to the custody of his child, by neglecting to take care of her, etc., we chose to concede the question of custody, as we wished to test the naked question of the religious rights of minors, upon its own merits.

The following decisions, covering the same principle, are already on record.

(1.) It is said that Judge Ingraham, a few years ago, told an Irish Girl, whom her father was seeking to confine for changing her faith, that she was too large to be coerced in such a matter, and that she could go where she pleased. We have not the record of this case, but are assured by a New York pastor, who was present, that such are the facts.

(2.) JAMES STEEL, Esq., of Huntington, Pa., sends us the following :

I observed in *The Christian Advocate*, a short time ago, a decision of Judge Sutherland, of New York, on a *habeas corpus* in the case of a Catholic girl who claimed to have the privilege of choosing what form of faith she should profess agreeably to the dictates of her own conscience, which privilege was denied by her father, claiming that he had the sole power over his child's conscience, and to this his honor assented, saying that the case was a very difficult one to decide, and therefore remanded her to the custody of her father, to be by him handed over to be incarcerated in the House of the Good Shepherd, or really delivering the lamb to the custody of the wolf. Our judges in Pennsylvania have not found any difficulty in deciding such matters, and in order that your judge may be somewhat enlightened, I give you two decisions on the subject taken from the *Pennsylvania Law Journal*, and these are not all the cases :

Neither *parent, guardian nor master* have the right to exercise *any arbitrary control* over an infant as to his religious principles. *Commonwealth vs. Farley*; 4th Pennsylvania Law Journal, page 396. *Parsons, Justice.*

A father has *no right to control or interfere with the rights of conscience* of his minor child who has arrived at the age of discretion, in relation to the worship of Almighty God. *Commonwealth vs. Sigman—Quarterly Sessions of Lehigh County, Pa.*; 3d Pennsylvania Law Journal, page 252.

I hope this matter will be stirred up again, so that another decision may be had in the case of this girl more in accordance with the dictates of common sense and religious liberty.

JAMES STEEL.

(3.) A similar case has recently been decided in Ogdensburgh, N. Y., in which an Irish boy, who had embraced religion and united with the M. E. Church, was taken by an Irish constable, at the instigation of his mother, and, without legal process, handcuffed and locked up. But on being brought out on *habeas corpus*, the judge ordered his release, and allowed him to chose a guardian. We hope to have all the particulars of this case in time for a future chapter.

From all these considerations, and the far-reaching importance and justice of the case, we cannot believe that the Supreme Court, or Court of Appeals will settle it as the law, in this land of freedom, that any parent has a right to imprison or punish a minor over fourteen years, for his religious opinions. *This* is the great issue involved in this case; and in its righteous settlement, not only every Protestant, of every name, but every Jew and Free Thinker in the land has an interest. For if one may be thus imprisoned for conscience sake, so may another.

As to *expenses*, though it may cost a thousand dol-

lars to carry through the suit, we cheerfully take the responsibility, trusting to the Protestant public to supply the means as they may be needed. Thus far our receipts have been as follows :

From Camp-meeting at Northport, L. I.	.	\$111	86
“ “ Sing Sing, N. Y.	.	201	00
“ “ Barnsboro,* N. J.	.	11	20
Loder & Co., New York (<i>Volunteered</i>).	.	20	00
From an unknown friend, through Dr. Curry.		5	00
<hr/>			
Total	.	.	\$349 06

Of this sum, \$189 50 have already been expended, leaving, at this date (September 15), \$159 56 now in hand to carry on the suit.

Of course we must have more money ; and if the reader desires to aid in the matter, he can inclose his donation to the writer, and it will be duly acknowledged, either through the religious papers or in the next edition of this pamphlet, or both. We depend mainly upon members of the M. E. Church to see this matter through, and if need be shall make a public appeal for funds through our religious journals ; but we prefer not to be obliged to issue any such public request. Better that it be done silently and without special effort. And as the battle is being fought in the interests of all Protestantism, and of Religious Freedom for all, there is no reason why other Christians, and men of no religious denomination, should

* In this case no appeal was made for money.

not aid in meeting the necessary expenses of the suit. We trust such will be the case.

But we have been asked, "Suppose she has really recanted, and is willing to remain in the convent?" We answer, so much the worse for Romanism. She was firm and true while out of prison, and after she had been in it for months; and if, after a month's effort to secure her freedom, finding herself still in bondage, she has given way to despair, or to worse influences, the more execrable the "religion" (?) that will consummate such deeds.

She has been told repeatedly, both by her father and by Doane, that if she would abjure her faith she should be set at liberty; and she may possibly have resorted to a recantation to secure her freedom. And yet she is not liberated. And if she has recanted in her imprisonment, and with what other terrors before her God only knows, she has not been the first who has done so. Take the case of Archbishop Cranmer:

"Lured by the promise not only of pardon but of royal favor, he was induced to sign six papers, by which he recanted his principles, and avowed his sorrow for having entertained them. In spite, however, of the promises made to him, he was brought to the stake, March 21, 1556. He had by this time recovered his firmness; and he died with the utmost fortitude, holding in the flames till it was consumed the hand which had signed the recantation, and exclaiming, "This unworthy hand! this unworthy hand!"

After Galileo, the Florentine philosopher and inventor of the telescope, had professed his belief in the earth's rotation upon its axis, he was twice prosecuted for heresy on that account by the Inquisition, sent to

prison in 1615, and again in 1633. On both these occasions he was compelled to abjure his "heresy" or die. Here is his recantation :

"I, Galileo, in the seventieth year of my age, on bended knees before your eminences [the cardinals and bishops], and touching with my hands the Holy Gospels, do abjure and curse and detest the doctrine of the earth's movement."

But to what did the recantation amount? As he rose from his knees, and walked forth into a hall, he stamped his foot and said, in a low tone, "it *does* move after all." And so it would be with Miss Smith, even if she had recanted. Set her free and she would defy the Inquisition and all its heresies.

And what a system for *converting* men and women to a religious belief! Think of it, American citizens! Ye who breathe the free air of our native hills! Think of buildings and stools for penitents, and grated inclosures, and unseen and unknown "discipline" or punishments, in this land, to force converted Romanists back to the "Mother of harlots!" In God's name we ask, Are such things to be tolerated in the United States? Is the Inquisition to be transplanted from Rome and Spain, to take root among our free institutions? This case is the entering wedge—a test case, so far as the law is concerned. If the camel get his nose in, the neck and body will follow, and our religious freedom be forever lost. And now is the time for successful resistance..

CHAPTER XIV.

Other Similar Cases of Abduction and Persecution.

Although we might fill a volume with accounts of similar transactions in this and in other countries, we have not the space here. But a few additional instances, showing that such is the practice among Roman Catholics everywhere, will not be out of place.

1. THE CASE OF YOUNG MORTARA IN 1858.

In 1858, Edgar Mortara, a son of Jewish parents, residing in Bologna, Italy, was stolen from his parents by Romish priests, and taken to Rome and kept there, in spite of all his parents could do, to be educated for a priest. The following is an account of the transaction, taken from the *Civiltà Cattolica*, published at Rome :

“ In the early part of last summer a Catholic servant, in the family of a Jew at Bologna, stated to an old woman that the youngest child of the Jew was sick and in danger of death. The old woman told her that in such circumstances it would be a beautiful and pious act to baptize the child. The servant replied that she had already baptized an older brother, six years before, when he was in danger of dying ; and that the child was then growing up a Hebrew, notwithstanding his Christian baptism, and she should not again do a similar thing. The old woman, however, thought the affair of great consequence, and made it known to several others, till at last the story was related to the Holy Congregation at Rome. An inquiry was immediately ordered into the facts of the case ; and on the testimony of the servant, who said she had received instruc-

tion respecting the way of administering baptism from a certain grocer in Bologna, it was decided that there was a *moral certainty* that the boy had been baptized. The Holy Congregation then proceeded by force to bring him to Rome, where he is now retained to be educated by the priesthood."

Such, in brief, is the Roman Catholic history of this child theft. The boy was then in his eighth year, and in spite of the tears and efforts of his bereft parents, and the remonstrances of the civilized world, was retained by the Romish hierarchy, and for aught we know is with them to this day. In this case, the rights of father and mother were of no account with Popery.

Now, let us see how the Roman Catholics of this country look upon the affair. In *Brownson's Quarterly*, then the great central organ of Romanism in this country, we find the following :

"The withdrawal of Edgar from parental custody, in order to secure his Christian education, was in virtue of an immemorial law of the Roman States, grounded on religious principles, and on the Christian view of individual rights and duties. The fact that he had been baptized obliged him to receive instruction in Christian doctrines, and the fact of baptism having been administered by a domestic does not affect its validity, since although the office of baptism belongs to the bishops, priests and deacons of the church, every one can validly baptize by using the prescribed form of words, and making simultaneously the ablution.

"The baptized infant, born according to the flesh of Israelite parents, becomes a child of God, being born of water and of the Spirit. Without his knowledge he receives heavenly gifts,—without his consent he is subjected to the law of Christ and his Church, since the boon of regeneration is granted on this condition. This is the teaching of the Catholic Church, as to all baptized infants, without regard to the religious faith, or the wishes of their parents.

Without baptism the infant cannot enter into the kingdom of God, or partake of the glory of heaven."

"Our courts of law seem to acknowledge in them [parents] a religious guardianship over their children until these attain to full age; but the ecclesiastical tribunals hold that the child is free from his earliest use of reason to submit his mind to God, without regard to the views or wishes of his parents, etc. He owes obedience to his parents in domestic discipline; he must obey God in things divine." *

Having stolen the child, and put him where none but Romanists could see him, they claimed, as in the recent recantation (?) of Miss Smith, that he was a Romanist, and had the right to chose his own religion. So it is

" ——— A sort of engagement, you see,
That is binding on you, but not binding on me."

"The ecclesiastical tribunals hold that the child is free from his earliest use of reason to submit his mind to God, without regard to the views or wishes of his parents;" that is, if he become a Papist, but *not* if a Papist, and he chooses to become a Protestant. How exactly like Hecker's "Plea for Liberty of Conscience," which he defines as "the right to embrace, profess, and practice the Catholic Religion.† And this is *all* the "liberty of conscience" that Romanism ever tolerates.

Upon the subject of baptism, and the right which it gives Popery to control those who have been baptized,

* April, 1859, pp. 226-231.

† *Catholic World* for July, 1868, p. 1 of Number.

either by priest or servant-girl, Mr. Brownson thus speaks :

Since by baptism the recipient is born again, and born a subject of Christ's kingdom, he may be compelled by force, when once baptized, and become one of the faithful, to keep the unity of the faith, and submit to the authority of the Church, as the natural-born subjects of a state may, if rebellious, be reduced to their civil allegiance by the strong hand of power, and, if need be, punished even with death for their treason.”*

But we must not pursue this narrative further. The extracts cited show, what no intelligent Roman Catholic would deny, that they claim the right to seize and by force restrain or punish any person who has been baptized by them, even by a servant girl, if they do not adhere to the Romish faith. And there is little doubt that hundreds of children of Protestants are secretly taken to Catholic priests by servant girls, and baptized by them, and their names put upon record, of which the parents have not the slightest knowledge or suspicion. And in case of the death of said parents, such children would be claimed as Catholics, as was young Mortara ; and if they were heirs to any considerable amount of property, or belonged to influential families, the right to control them would be strongly contested.†

* *Brownson's Review*, July, 1864, p. 267.

† The extent to which Popery carries this baptismal question is well illustrated in the case of Thad. Stevens, who was baptized by nuns after he was past all consciousness. The prize in this case was the prestige of his name as a prominent statesman, who died in the Romish faith.

II. CASE OF DR. MCKINLEY'S DAUGHTER, LOUISVILLE, KENTUCKY.

Under the heading of "A Lawsuit for a Million," the Louisville (Ky.) *Courier* of August 28, 1868, contained the following remarkable editorial :

One of the most extraordinary cases on record is now pending before Judge Bruce, in the Circuit Court. The facts connected therewith, so far as we have been able to gather them, are as follows :

Dr. Samuel E. McKinley, son of Judge McKinley, formerly Judge of the Supreme Court of the United States, and United States Judge of this circuit, was residing and practicing his profession at New Orleans when that city was captured by the Federal army. He was retained as surgeon for the Confederate sick, and was afterwards retained in the United States service. The doctor married a very wealthy heiress, a Miss Morrison, of Louisiana, by whom he has two children, one a boy named James, who is now with him in St. Louis, and the other a little girl, E. J. Lyon McKinley, twelve years of age. His wife dying during the infancy of the girl, the doctor, in 1864, moved to New Albany, Indiana, taking with him his two children. About a year ago last winter he moved to this city, where he remained till some time in 1867, and becoming desirous of going back to New Orleans to look after his property, left his little daughter at the Ursuline Academy, a Catholic female school in this city, for education, sending her from time to time money to pay her expenses. Before or about the time of vacation, the Doctor having moved and established himself in St. Louis, requested Judge Taylor to send by Adams Express his little daughter to him, the Express Company agreeing to undertake the care and custody of the child.

When Judge Taylor applied for the child, the Superior of the academy objected to letting her go till her tuition should be fully paid. The doctor, on learning this, declared that he had sent by mail the full amount, and then came for her himself. His counsel

advising him that the academy could not retain a lien on the child for their money, he sued out a writ of habeas corpus before his Honor Judge Bruce, and this case, as it happens, is the first brought before Judge Bruce since qualifying as our Circuit Judge. The Superior of the academy, answering the writ, stated that the girl was named Lizzie Brown; that she was not the Doctor's daughter; that she was fifteen years of age, and that the Doctor was drunken and unfit to control the child. This answer was yesterday adjudged insufficient, and the respondent was required to state the time and the means by which respondent obtained possession of the child; that a mere allegation that the Doctor was not her father was no ground for the respondent to retain her.

While the Doctor was away, some two weeks ago, it seems that the Superior applied to the County Court to become her guardian, and exhibited, it is claimed, a printed envelope with the name of E. J. Lyon McKinley, in which her father had enclosed money to his daughter—this being the true name. It is also alleged he has letters from the Superior calling her his daughter, Lyon.

It is further said that she has become a Catholic, contrary to her father's wishes, who is an Episcopalian, and that she will, at her grandfather's death, become the heiress of more than a million.

The case coming up yesterday afternoon, and the parties not being ready for trial on account of absent witnesses, it was continued till next Friday at nine o'clock, A. M. The Court ruled the answer of the respondent insufficient, and required her to be more explicit.

This trial will develop some of the strangest points of law and fact known to jurisprudence.

Judge Jeff. Brown and Judge Taylor are attorneys for McKinley, and Judge Burnett and W. G. Reasor for respondent.

III.—FATHER CHINIQUEY AND THE BISHOP OF CHICAGO.

There is, at St. Anne, Ill., one Father Chiniquey, formerly a Roman Catholic priest, but now independent of that hierarchy, and carrying on his religious affairs as he understands the Bible to direct. Of

course Popery is making every possible effort to crush him, and among other things, he is sued, or arrested, on one pretext or another, by the Bishop of Chicago, every now and then, or at least, was a few years since. In most of these cases Abraham Lincoln was his counsel. A correspondent of the *Montreal Witness* furnishes the following anecdote in regard to one of those cases:

Mr. Chiniquy was prosecuted on a criminal charge, in connection, I believe, with the church property at St. Anne, and employed, so far as he knew, the best counsel to defend himself; but he was informed by a friend that he must engage Lincoln or the other party would get him, and then his case would be desperate. He telegraphed to Lincoln, and waited in the office till he got his assent; and when leaving it, the other party was just coming to telegraph for the services of the same redoubtable lawyer. Through the whole course of the long and harrassing suits that followed, Mr. Lincoln gave great attention to his case, manifested the most unwearied kindness, and finally brought him off triumphant; and when Father Chiniquy asked him how much was to pay, he replied, by asking in return: "How much can you pay me, Mr. Chiniquy?" Mr. C. replied that he intended, as soon as possible, to pay whatever was right, and asked again what it was. The other lawyer he employed had charged \$3,000, which Mr. Chiniquy believed to be no more than a fair remuneration for his labor; but Mr. Lincoln, who had done even more, wrote out a note for \$50, which he handed to Mr. Chiniquy to sign, asking him if that would do. Mr. Chiniquy said it was far too little, but Mr. Lincoln replied that rich suitors would make up the difference to him.

A DRAMATIC SCENE.

The denouement of the criminal trial, above alluded to, was of thrilling dramatic interest. Two witnesses swore point-blank against Mr. Chiniquy, and it was clear that he must be convicted next day, and, if convicted, sent to the penitentiary. This the reporter of a leading Chicago paper telegraphed, and the news was

at once published, as the trial excited much interest. A Roman Catholic who had read the paragraph remarked to his wife, with satisfaction, that they were going to get rid of Chiniquy at last, and mentioned the news. "She said if he is convicted on that testimony, it is false." "How do you know that?" asked her husband. "Because I and another lady were visiting the niece of such a priest (naming him), and the door of his room was not quite close. He did not know we were there, and we overheard the whole bargain made with these two witnesses, that they were to swear so and so, and to get two hundred acres of land." "Can you swear to this?" said her husband. "Certainly." "Can the other lady swear to it?" "Undoubtedly." The gentleman, though a Roman Catholic, loved justice more than the priesthood, and started at once for the night train. He reached the place of trial about two o'clock in the morning, roused Mr. Lincoln, told him to telegraph for the witnesses he named; and Mr. Lincoln, after doing so, came to Mr. Chiniquy's room (who was spending the night on his knees) to tell him that he was all safe.

When these ladies appeared in Court, the priest asked what was their business, and if they were going to destroy him. They said they would have to tell the truth, but it was he who had destroyed himself. Thereupon there was a consultation, and the prosecution came into Court requesting leave to withdraw the charge, saying that further evidence had convinced them of its groundlessness, and offering to pay expenses and apologize to the accused.

How forcibly this reminds one of the two witnesses procured by Father Doane, to swear away the character of Mary Ann Smith—men who were obliged to admit that they had each served two terms apiece in prison. And yet upon such testimony a young girl is to-day toiling in a Roman Catholic prison, on hard fare, and without pay, for abandoning Romanism and becoming a Protestant.

There are Roman Catholics who are honorable and

truthful in spite of their religion; but as a general rule no man's property, liberty or life, are safe, where the interests of the Romish Church are involved, and human testimony, true or false, is to decide the question. This all history attests.

CHAPTER XV.

Startling Facts respecting Romanism.

In view of the preceding narrative, and the vast importance of the issue now being pressed upon the American people, we call attention to certain momentous facts bearing upon the American Roman question.

1. *Romanism is fore-doomed by the Word of God and must ultimately perish.* The "Man of Sin," 2 Thess. ii. 3, is to be "destroyed;" and "Babylon," Rev. xvii. 2, 21, is to be "thrown down, and found no more at all." This heaven-revealed destiny should be borne in mind by every true Christian. Whatever temporary triumphs she may yet achieve in certain localities, or blood she may yet shed to vindicate her hell-born assumptions and heresies, her doom is written, and the vision hasteth to its accomplishment.

2. *Romanism is dying throughout Europe.* In Ireland, Austria, Italy, Rome, and France, it is smitten with incurable decay. Throughout the dominion of Victor Emanuel every convent, male and female, has been sold out at public vendue by order of the government, and it is but little better in Austria.

Dr. Stevens, who has just returned from Europe,

thus wrote to the *Christian Advocate* during his absence :

Popery is doomed in Europe. * * * Even in France itself it is well observed that the Papal reaction is confined to the imperial policy, and to the hierarchy as a part of the machinery of that policy. The intellect and conscience of France go not with it, though they succumb to it.

Again :

Protestantism, if not by its inherent evangelical force, yet by the impulses of the advanced civilization which it has produced, is evidently fast gaining predominance in all Western Europe. The decadence of Popery in Italy itself, where it is now sustained (as a State power) only by the bayonets of France, its late defeat in Austria, where the policy of Count Beust has overturned its last Concordat, but especially the impotency of the Vatican policy itself, in all its late demonstrations, show that it is smitten with incurable declension, and is tumbling into the abyss of the effete past.

Dr. Bellows, writing from Rome itself, says :

It is hard to find an intelligent man not a priest or a recent convert, in the Roman Catholic church, who does not speak sneeringly, disparagingly, or railingly against it. Judging by the state of public sentiment, as expressed by the thinking or talking men and women in Catholic Europe, you would declare the Roman Catholic church an ocular illusion, or at best a vast ecclesiastical mansion in ruins, but too big to crumble out of sight, after having been so long deserted by its whole inhabitants.

Rev. W. G. Morehead, writing from Sarzana, northern Italy, says :

Time was when the Romish churches were crowded with an ignorant, docile, believing multitude ; now they are comparatively empty. The priests and canonicals howl their meaningless, unin-

telligible liturgies to themselves. A few old women, and as many beggarly old men, constitute their audiences. Ask any one if he believes in the dogmas of infallibility and purgatory, or the power of the priest to absolve from sin, and the reply is, in forty-five cases out of fifty, an emphatic no. In one word, Roman Catholicism, as it was once in Italy, is dead.

Of the unanimity of the Italians as to the abolition of the temporal power of the Pope, Mr. Morehead thus writes :

Were the question of the temporal power to be solved by a universal and untrammelled vote in Italy, there is not the least doubt but that twenty-three millions would cast their ballots against, and *perhaps* two millions for it. And twenty millions of Italians would to-morrow vote for the removal of the Pope, with his cardinals and all their crew, to Malta, or Jerusalem, or China.

And if such is the state of things at the *heart*, what must be the condition of the *system* as a whole.

At Prague, in Bohemia, where John Huss was burned alive by the Catholics for heresy, in July, 1415, and Jerome, in May, 1416, there is about to be established a memorial college, for the training of Gospel ministers. An English correspondent of the *Provincial Wesleyan*, of Halifax, says :

Bible depots are opened throughout the various Austrian states ; and in Prague, where the Bible was once burned, there is now an annual average sale of 13,000 copies. The people are educating their children in their own faith, and favorable opportunities are being presented for the preaching and teaching of the pure Gospel of Christ.

In Ireland, the population decreased 3,832,457 from 1841 to 1861, or over forty per cent. ; and the Catholic population has decreased by death, emigration, and

conversion to Christ, about seven millions during the last thirty years. This great breeding-ground of the Papacy is consequently landing fewer and fewer Irish Catholics upon our shores every year. For this every true American Christian will devoutly thank his God. While France is nominally Catholic, and is to-day the strongest pillar that Romanism has on earth, it is nevertheless leavened with Protestantism and contempt of the Papacy, and cankered by infidelity from end to end. Of the city of Paris (and it is said that "Paris is France") the *Catholic World* recently said :

Paris is not a Catholic city, but a city which was Catholic, and which Catholics are striving to reconquer. The Revolution abolished the Catholic Church and exterminated its clergy; and with all the efforts and zeal of the Catholics they have only gained a large minority of the people to any real faith and connection with their establishment.

To this we may add that there are now in France about two millions of Protestants, led on by a thousand faithful pastors, and their numbers are daily increasing. It is estimated that there are fifteen thousand Protestants in Paris alone. Fifty years ago there was not a Protestant religious periodical in all France, now there are over twenty.

But we have no room here to extend these proofs.*

* Should the reader desire a perfect *armory* of facts and figures upon the present status of Romanism in Europe and America, such as can be found no where else, let him inclose his address and fifty cents to the writer, and a large octavo pamphlet upon the subject will be sent by mail.

3. *It is but little better off in the Dominion of Canada, South America, and Mexico.*

In the latter Republic especially, it is virtually overthrown. The death of Maxamilian was its death blow. Its monasteries and nunneries, as in Italy, have been confiscated and sold, and even the churches are all in the hands of the Juarez government. The priests are even forbidden by law to appear in the streets in their sacerdotal robes. The Bible is freely circulated everywhere, in spite of the indignant priesthood, and a Protestant minister is probably more safe there to-day than he is in the Papal city of New York.

4. *While Romanism is dying everywhere else, it is making a desperate effort to get control of the United States.*

Of this no evidence need here be adduced. Already they have the whole land mapped out into seven Provinces, with an archbishop at the head of each ; fifty-three episcopal sees, and as many bishops ; eight vicars-apostolic, with their vicarates ; and three thousand two hundred and forty-eight priests, and nine hundred and thirteen clerical students in their colleges. They have thirty-two different periodicals, some twenty bookstores, over fifty colleges, and nearly three hundred monasteries and nunneries. From 1850 to 1860 their increase in churches was one hundred and eight per cent., while that of the M. E. Church, even, was but fifty per cent. The average value of their churches is six and a half times as much as the average of our Methodist churches ; so that the eight hundred and sixteen churches they have built since 1860, are worth more

than four times as much as those built by the M. E. Church during the same period, notwithstanding the numerous good churches we have been building all over the land. In nearly every large city an immense cathedral, costing from \$300,000 to \$1,000,000, is either completed or in process of erection. Away in the West, at Lawrence and at Omahaw, their immense churches and college buildings astonish the traveler. They are getting possession of the best sites for buildings everywhere, and their real estate is already of immense value. The vast amounts in New York and vicinity, shown by Mr. Brooks years ago to have been in the possession of Bishop Hughes, is quietly held by his "successor," to the value of millions, without taxation, and wielded wholly in the interests of Popery.

In a word, Romanism already controls the commercial metropolis of the nation, and many other of our larger cities. With their *votes* they buy judges, sheriffs, aldermen, mayors, common councils, boards of supervisors, judges, and legislatures. A conscientious man in New York recently told a minister that he was once officially tendered a Democratic nomination as Judge of the Supreme Court, (which in New York is equivalent to an election), on condition that he would agree beforehand to decide in the interest of the church, whenever any religious matter should come before him. He declined to make any such contract, and another was nominated and elected in his place. And the Protestant lawyers of New York—many of them, at least—say, that there is no chance for justice in that city, in *any* matter where the interests of Romanism are involved. What a state of things is this for an American city!

In Chicago it is not much better ; and so of Brooklyn, and Baltimore, and Pittsburgh, and Cincinnati, and Oswego and Buffalo, and even Hartford and Boston. Romanism already has complete control of many of our municipal and State governments, and it is not a year since Father Hecker, editor of the *Catholic World*, and Director of the *Catholic Publication Society*, said, in a public lecture delivered in the Cooper Institute, New York, that in twenty-three years the Catholics would have the political majority in this country, —that it would then be their duty to take the control of the government, and administer its affairs in the interests of the church ; and that it should be the business of his life to educate the Catholics of the country up to this idea. The “interests of the Church” means—Romanism the national religion, and no other tolerated.

At the same time Mr Hecker announced that Protestantism was dying out, and that it was to find its grave in the United States—a reproduction of Bishop Hughes’s prophecy years ago.

5. *It is doing its utmost to break up the Public School Systems of the several States.*

These are fatal to Romanism. A thorough acquaintance with Arithmetic, and Geography, and Philosophy, and uncorrupted History, is sure to unfit the mind for the dogmas of Popery and for priestly domination. To make Catholics, it is indispensable to keep out of the mind science and general literature, and to fill it early with superstition, and Papal legends of saints and false miracles. Hence

the grand assault—East, West and Central—upon the Common School System of the country. Their pastoral letters are devoted to the subject; their periodicals pour out curses and bitterness upon the schools; and efforts are being made in almost every large town and city to break up the system by getting part of the public funds, to support their sectarian schools. And in several instances they have succeeded, one of which is in New Haven, Connecticut. And any man can see that if one denomination is allowed its *pro rata* dividend of the funds, another must and will be, and the system is inevitably destroyed. The only relief then would be to compel every denomination to sustain its own schools, and not tax Protestants to pay nuns and monks for teaching the dogmas of Popery.

A recent Chicago paper says :

There seems to be reason to fear that a more vigorous attack is to be made by the Roman Catholics upon the unsectarian system of free schools. The German Catholic Union, which recently met in this city, is a well organized and enthusiastic army of laymen, which is ready to enforce the well known opposition of the priesthood to our Common School System. Three resolutions which they passed will show their animus. The first urges that Catholic children be sent only to Catholic schools; the second that each member "exert his personal influence, that more good Catholics be appointed as teachers in the public schools;" and the third resolution suggests to the American Catholic Episcopacy "the propriety of petitioning the State governments to obtain a proportionate share of the school fund in the States" for distinctively Catholic schools.

Another Western paper says :

Bishop Randall, of Colorado, has recently made the discovery that the "ground which he supposed entirely fallow and neglected, he found to be full of Jesuitical laborers who had been long at work. State money to the amount of \$30,000 had been granted to

their schools, while most of the Protestant young ladies of Denver City, and the neighborhood, are their regular pupils; and the next generation of Colorado bids fair to be educated with as intense a hatred to our reformed religion and free institutions as are the hidalgos of Spain or the peasantry of Connemara.

This does not relate so much to Common Schools, as to the kind of education that Romanism is giving to its pupils.

6. *They are resorting to every conceivable expedient to destroy our American Sabbath, and make the first day of the week a mere holiday.*

Witness the Sabbath parades and processions, with bands of music, in nearly all our large cities, during the past year, upon the Holy Sabbath, disturbing public worship, and in several cases preventing ministers from getting to their pulpits at all, on account of the crowd. In other cases pay lectures and concerts on Sabbath evenings are resorted to; and in still others, *fairs* have been kept open, and gambling carried on, after the fashion of the Catholic priests in Mexico. In Pittsburg, after the consecration of a Bishop, they had a great consecration dinner, with a long list of wines and ales, and brandies and whiskies, in the bill, and several of the bishops got gloriously drunk—all on the Sabbath. So says the *Pittsburg Christian Advocate*, in the very city where it occurred. In Cincinnati the mayor declared that “the people of Cincinnati had repealed the Sabbath laws of Ohio;” that is, that they had decided not to obey them, and he, as mayor, tacitly consented to the rebellion, in violation of his solemn oath to enforce the laws of the State. But Bishop Purcell wanted a Mexican or Parisian Sabbath,

and the mayor must obey the bishop. And thus, little by little, Romanism, in conjunction with the various forms of infidelity, is destroying the sanctity of the Sabbath, in the popular estimation, throughout the land. For when the Sabbath becomes a day for parades and pageants, and concerts and fairs and amusements, Romanism can turn it to her own aggrandizement ; and not very well until then.

7. Romanism is already exercising a controlling influence over the Secular Press of the country.

This is especially true of the Democratic political Press. Many of its editors, and we believe a majority of its reporters, are Romanists. Standing thus at the gates of knowledge, they keep back everything that will militate against the interests of the Romish church. To this there are here and there exceptions, but they are very rare. And the same is true, to some extent, with the Republican Press, though it is far more free and outspoken, and is generally Protestant in its tone and management. But Popery knows the power of the secular Press, and is doing more to-day to subsidize it to its interests, than all the Protestant denominations put together.

8. Romanism is to-day a POLITICAL PARTY in this country, as much so as the Republican party is.

It does not go by any party name, but it acts as a party. Who ever knew a Romanist to vote the Republican ticket—especially an Irish Roman Catholic ? We have inquired for six months past for *one* such case, and have not found the first well authenticated in-

stance. Yet we doubt not there are *Germans*, and perhaps scores of them, who are nominally Catholics, and yet vote the Republican ticket.

The *New York Tribune*, of April 17, 1868, contained the following editorial note :

J. B. L. writes us a very absurd letter, complaining of our statement that nearly all the Roman Catholics in our country are hostile to the Republican party. He says, "I know a good many Catholic Germans who are republicans." We do not doubt it; yet the fact remains that nine-tenths of the Adopted Citizens, and at least nineteen-twentieths of the Roman Catholics, are hostile to the Republican party. We do not complain of this—they have the same right to their opinions that we have to ours—but we have an equal right to see and report facts as they exist. In the late Connecticut election, at least Ten Thousand majority of the native-born vote was cast for the Republicans; but this was overborne, as to the State ticket, by the foreign-born and mainly Roman Catholic vote. Many of these voters were virtually coerced by their associates into voting against their own judgment and choice. * *

And it is high time that the American people began to comprehend this truth; for if we already have a *Catholic* party, it is time we had a *Protestant* party; and the sooner we have it, the sooner we may crush Papal aggressions, and the less Protestant blood may flow in years to come.

9. *Romanism is already being largely sustained by the various cities and states, as such, at the expense of Protestant tax-payers.*

The *New York Tribune* of June 1, 1867, contained the following :

The New York Legislature made religious appropriations last year to the amount of \$129,029 49. The remarkable fact appears that only \$4,855 35 of this sum was for the benefit of Protestant and Hebrew associations, the balance being for Roman Catholic institutions. The following is a partial list :

Evangelical Lutheran, St. John's Orphan Home, Buffalo.	\$9 93
Free School of the Academy of the Sacred Heart, Manhattanville.....	346 04
Le Canteuxl, St. Mary's Deaf and Dumb Asylum, Buf- falo	24 62
Orphan's Home and Asylum of the Protestant Episco- pal Church, New York.....	777 59
Protestant Half Orphan Asylum, New York.....	1,304 87
Roman Catholic Orphan Asylum, Brooklyn, 1864.....	2,189 21
Roman Catholic Orphan Asylum, Brooklyn, 1865.....	2,476 74
Roman Catholic Orphan Asylum, New York.....	4,340 63
Society for the Protection of Destitute Roman Catholic Children, New York.....	2,505 71
St. John's Catholic Orphan Asylum, Utica	310 52
St. Joseph's Orphan Asylum, New York.....	1,007 48
St. Joseph's Male Orphan Asylum, Buffalo.....	318 90
St. Joseph's German Roman Catholic Orphan Asylum, Rochester.....	9 25
St. Mary's Orphan Asylum, Canandaigua.....	26 21
St. Mary's Boys' Orphan Asylum, Rochester.....	89 40
St. Mary's Orphan Asylum, Dunkirk.....	423 04
St. Patrick's Female Orphan Asylum, Rochester.....	238 75
St. Vincent's Female Orphan Asylum, Troy.....	180 07
St. Vincent's Orphan Asylum, Albany	766 63
St. Vincent's Female Orphan Asylum, Buffalo.....	267 62
St. Vincent's Infant Asylum, Buffalo.....	104 11
St. Vincent's Male Orphan Asylum, Utica.....	213 90
St. Vincent de Paul Orphan Asylum, Syracuse.....	345 51
The Church Charity Foundation, Brooklyn, 1864.....	118 42
The Church Charity Foundation, Brooklyn, 1865.....	156 22
Troy Catholic Male Orphan Asylum.....	448 72
St. Mary's Orphan Asylum, Clifton (special appropria- tion)	500 00
St. Joseph's Male Orphan Asylum, Buffalo (special ap- propriation)	1,000 00
St. Vincent's Male Orphan Asylum, Utica (special ap- propriation).....	1,000 00
Buffalo Hospital, Sisters of Charity	8,949 84
Buffalo St. Mary's Lying-in Hospital	1,646 10
Jews' Hospital and Hebrew Benevolent Society, New York.....	2,484 32
Rochester St. Mary's Hospital.....	8,845 14
Rochester St. Mary's Hospital (additional special appro- priation).....	2,000 00
Buffalo St. Mary's Lying-in Hospital (additional special appropriation).....	1,000 00
Church of the Immaculate Conception, New York....	1,000 00

St. Mary's Church and School, New York.....	2,000 00
St. Bridget's Church School, New York.....	1,000 00
Special Donation for the Protection of Destitute Roman Catholic Orphan Children.....	78,500 00

Thus the Romanists had \$124,174 from the public treasury of the State of New York in 1866, while all the other religious denominations combined had but \$4,855.

A grand scheme was presented last winter (1867) for securing an immense sum for the same unholy purposes, from the State Treasury. Here is a full account of the plan, also taken from the *New York Tribune*:

A covert effort has been in progress for some weeks past by certain politicians of this city, working in the interest of the Roman Catholic priesthood, to secure numerous special appropriations by the New York Legislature for the schools of that Church. The plan has been to include these special appropriations in the general list of "appropriations for charitable and public purposes" in such a way as to be passed hastily and without protest in the closing legislation of the session. In order that our readers may see the *Romish* purpose of the appropriations, we give the following items, found in the Assembly bill, among the numerous gifts for "hospitals, asylums, and other charities," relating particularly to this city and Brooklyn:

For the Church of St. Mary, in the city of New York, to aid in the maintenance of schools under its charge,	\$5,000 00
For the Church of St. Bridget, in the city of New York, to aid in the maintenance of schools under its charge.....	5,000 00
For the Church of St. Vincent, in the city of New York, to aid in the maintenance of schools under its charge.....	1,000 00
For the Church of Transfiguration, in the city of New York, to aid in the maintenance of schools under its charge.....	5,000 00
For the Church of Immaculate Conception, in the City of New York, to aid in the maintenance of schools under its charge.....	5,000 00
For the Church of St. Patrick, in the city of New York, to aid in the maintenance of schools under its charge.....	5,000 00
For the school of the Church of Our Lady of the Angels,	3,000 00

For the Church of St. Joseph, in Brooklyn, to aid in the maintenance of schools under its charge....	2,500 00
For the Sisters of Mercy, in Brooklyn, to aid in the maintenance of schools under their charge.....	5,000 00
For the Church of St. Peter, New York, to aid in the maintenance of schools under its charge.....	3,000 00
For the St. Lawrence School in New York.....	5,000 00
For the Church of St. James, New York, to aid in the maintenance of schools under its charge.....	3,000 00
For the Church of St. Paul, New York, to aid in the maintenance of schools under its charge.....	2,500 00
For the Church of St. Joseph, New York, to aid in the maintenance of schools under its charge.....	1,000 00
For the Church of St. Stephen, New York, to aid in the maintenance of schools under its charge.....	2,000 00
For the Church of St. Gabriel, New York, in aid of the maintenance of schools under its charge.....	3,000 00
For the Church of St. Michael, New York, in aid of the maintenance of schools under its charge,	3,000 00
For the Church of St. Nicholas, New York, in aid of the maintenance of schools under its charge...	2,000 00
For the Church of St. Theresa, New York, in aid of the maintenance of schools under its charge.....	3,000 00
For the Church of St. Rosa, New York, in aid of the maintenance of schools under its charge.....	3,000 00

Here we have a total of \$67,000, proposed to be filched from the taxpayers of the country to teach Romanism in sectarian schools.

To this we will add a full list of the appropriation to the Roman Catholics since October 1, 1846, when the present State constitution was adopted. The figures are entirely accurate, having been obtained by a careful examination of the official records :

Buffalo Hospital, Sisters of Charity.....	\$126,394 08
St. Mary's Lying-in Hospital, Buffalo.....	14,942 78
Rochester St. Mary's Hospital.....	61,112 96
Troy Hospital (Roman Catholic).....	42,685 26
Buffalo Widows' and Infants' Asylum (R'n Catholic)..	2,782 91
Academy of the Sacred Heart, Manhattanville.....	8,669 77
Le Cauteleux St. Mary's Deaf and Dumb Asylum, Buffalo	619 20
Roman Catholic Orphan Asylum, Brooklyn.....	53 322 10

Roman Catholic Orphan Asylum, Brooklyn.....	76,716	76
Society for the Protection of Destitute Roman Catholic Children, New York.....	10,263	55
St. John's Orphan Asylum, Utica.....	16,790	79
St. Joseph's Orphan Asylum, New York.....	7,219	16
St. Joseph's Male Orphan Asylum, Buffalo.....	14,280	49
St. Joseph's German Roman Catholic Orphan Asylum, Rochester.....	51	43
St. Mary's German Roman Catholic Orphan Asylum, Buffalo.....	1,250	31
St. Mary's Orphan Asylum, Canandaigua.....	2,433	48
St. Mary's Boys' Orphan Asylum, Rochester.....	430	47
St. Mary's Orphan Asylum, Dunkirk.....	2,474	64
St. Patrick's Female Orphan Asylum, Rochester.....	10,319	70
St. Vincent's Orphan Asylum, Albany.....	22,385	79
St. Vincent's Orphan Asylum, Troy.....	752	53
St. Vincent's Female Orphan Asylum, Buffalo.....	9,023	89
St. Vincent's Male Orphan Asylum, Utica.....	2,235	11
St. Vincent de Paul Orphan Asylum, Syracuse.....	4,320	70
Troy Roman Catholic Male Orphan Asylum.....	17,548	03
St. Joseph's College, Fordham.....	5,500	00
Church of the Immaculate Conception, New York....	1,000	00
St. Mary's Church and School, N. Y.....	2,000	00
St. Bridget's Church and School, N. Y.....	1,000	00
New York Roman Catholic Half Orphan Asylum....	373	95
St. Joseph Orphan Asylum, Lancaster, Erie county..	342	97
	<hr/> \$519,242 81	

These payments are exclusive of those made under the legislation of 1867, and of the large sums voted for many years by the municipalities of New York and other large cities of the State. Add to this the amount appropriated in 1866, (\$124,174 14,) and we have a grand total of \$643,416 95, given directly by the State Legislature, since 1846, in aid of the Roman Catholics. By a timely effort on the part of the Protestant taxpayers of the city of New York, this iniquitous scheme was defeated, but was, to a large extent, carried out in another way.

10. *Romanism is already setting at defiance the laws of the land, and is allowed to do so with impunity by Catholic and other officers of justice.*

Not only is this true in regard to Sabbath laws, and laws regulating the sale of intoxicating drinks, but in various other respects. We have in New York a law requiring all clergymen to report to the Registrar all marriages consummated by them, with the date, name of the parties, etc.; but the Romish priests have set it at defiance from the beginning. They are not going to report their "sacramental" services to the civil authorities! The *pinch* is, they wish the privilege of dating marriages *back*, as they do and have done, for a consideration, in numerous cases. And so as to all other laws which come in conflict with their "religion." They are already applying in this country their immemorial dogma, that the Pope is supreme, and the State and all human laws must be subordinate to his will. And it is to be decided very soon whether or not this shall be the rule in America.

11. *As if confident of success, in subjugating this land to its own sway, Romanism is exhibiting a spirit of intolerance and defiance, hitherto unknown in this country.*

The *New York Times*, of April, 1867, had the following:

The Rev. J. C. White undertook to lecture on Romanism in Quincy, Ill., on Wednesday night; but the Hall was taken possession of by the Catholics, and, upon his attempting to speak, he was hustled out of the Hall, and barely escaped lynching. At least two thousand persons were present, inside and outside of the building, armed with clubs, stones, and other missiles. An appeal was made to the mayor; but he answered that the people had rights as well as the speaker.

Of this outrage the *North Western Christian Advocate* said :

Distinguished soldiers of the war for the Union determined that free speech should be maintained ; and their determined bearing and inflexible will, cowed the mob, and counteracted the wicked course of the mayor.

In the winter of 1866 the writer was delivering a course of lectures on Romanism, in his church in Jersey City, upon Sabbath evenings, when, just as we were commencing to speak, the Catholics stoned the windows, frightening many in the audience, and breaking seventeen panes of glass ; and the Catholic Press merely laughed at it, and charged us with *procuring* some one to throw the stones in order to charge it upon the Catholic church.

Such is the veracity and reliability of the Roman Catholic press. In July, 1868, Dr. R. M. Hatfield, of Chicago, preached a sermon upon "Romanism and Religious Freedom," on the Pope's Allocution respecting Christian liberty.* A few days afterwards (July 29th), Alderman Sheridan, a Roman Catholic, offered a preamble and resolution in the Common Council of that city, calling upon the Mayor to issue a proclamation to silence Mr. Hatfield. The document failed to pass, but it none the less exhibited the intolerant spirit of Popery, here, as well as elsewhere. It has the *will* to silence every Protestant minister in the land ; but, as yet, it lacks the *power*. But let it once get the ascendancy and its intolerant purposes would

* For this stirring and powerful lecture, beautifully printed in pamphlet form, in covers ; send ten cents only, with address, to the writer at Jersey City.

be carried out here, precisely as they are in Spain and in Rome.

12. *Romanism is closely allied with the "Rum and ruin" interests of the country.* This is notorious. A majority of the liquor dealers in all our cities are Roman Catholics. Rev. O. P. Pitcher, city missionary in Washington, D. C., took a census of that city, and the result was as follows : Out of 764 grogeries, 440 were kept by Roman Catholics ; or $57\frac{6}{10}$ per cent. of the whole. And Mr. Pitcher adds, that " most of the remainder are kept by persons who come under no Christian name, so that very few are in the hands of persons who, in any fair sense of the term, are Protestants." And such is the case all over the land. What would the world think of Protestantism if one half of all the rum-sellers in the land were Baptists, Methodists, and Presbyterians, in good and regular standing in the churches ?

13. To this alarming array of facts, we may add that *Romanism is receiving large sums of money every year*, from the Propaganda, at Lyons, France, to subjugate this land to the Papal faith. Of this we have abundant proof, but, have not space for it here.

All these facts being considered, we can but feel that there is great ground for alarm on the part of every well-wisher of his country. And this feeling of anxiety is coming to be very widely felt among all classes of our citizens ; statesmen, educators, and the religious press. In one of his recent letters from Europe, Dr. Bellows says :

There is an apathy about the Roman Catholic advances in the United States among American Protestants, which will finally re-

ceive a terrible shock. There is no influence at work in America so hostile to our future peace as the Roman Catholic Church. The next American war will, I fear, be a religious war—of all kinds the worst. If we wish to avert it, we must take immediate steps to organize Protestantism more efficiently and on less sectarian ground.

Of the *fact* there can be but little doubt; but whether he indicates the proper remedy is questionable.

In a series of articles upon the subject recently published as editorials in the *Christian Advocate*, Rev. Dr. Foster says :

That there is imminent peril, no man in his senses can doubt. The abjects are themselves confident of success; they are already organizing victory, and confidently publishing that America will soon be subject to Holy Mother Church. Do you say, Suppose it should, what then? We have not the nerve to confront the answer to the question. * * *

Our first duty is to become awake to the facts, to take in their full and appalling measure, to feel our danger, and then organize some enlightened Christian method of deliverance, and set about accomplishing it. If we awake not we we are undone, and at no distant day.

Such are the views and feelings of thousands all over the land. We read it in almost every religious journal, and hear it wherever we go. "Slavery is dead, and our next great struggle is with Roman Catholicism." "If ever the Liberty of this Republic is destroyed," said General La Fayette, "it will be by Roman Catholic Priests." And thousands of American citizens are coming to feel that such may one day become the terrible fact. This anxiety, however, is a hopeful omen, as it shows that the American people begin to realize the situation, and the value of our free institutions which they consider in peril.

The editor of the *Catholic World* (October, 1868), says: "The question put to us a few years since

with a style of mixed incredulity and pity, 'Do you believe that this country will ever become Catholic?' is now changed to *how soon* do you think it will come to pass?" They are hopeful and defiant, and bold to announce their premeditated conquest.

But many who see and feel the coming struggle, and would fain arrest it, are in doubt as to the best measures. "What is the best thing to be done?" is now the great question with thousands of the best minds in this country. We have not space here to answer this question at length, but may venture a few suggestions:

1. *We must not despair, nor sit down in idleness and inactivity.* If we do, Romanism will triumph, our free institutions will be overthrown, our liberties taken from us, and our children become slaves to a corrupt priesthood like the millions of Rome and Spain.

2. *On the contrary, we must resist its encroachments at every step.* As Rev. E. S. ATWOOD, of Salem, Mass., has well said:

FIGHT IT everywhere and always—in all lawful ways—with every legitimate weapon; FIGHT IT, till Antichrist loses heart and hope; FIGHT IT, till it is settled, beyond the possibility of reversion, that Protestantism is to rule America. * * * *

If Catholics want to build and support churches, let them do it, but do it themselves. If they want their catechism taught, let them pay their own bills. If they wish to erect ecclesiastical hospitals and conventual asylums, it is their right, but the dollar *you* give is a wicked dollar, and were better cast into the sea. And there is some ground already yielded that needs to be reclaimed and held. Put back the Bible and the prayer into every place from which it has been ejected by Romanist opposition. Without doubt there will be men enough with loose ideas of liberty, and without religion, who will join in the priestly cry of intolerance, and talk about the wrong of coercing conscience. It is time that the doctrine was broached, that *Protestants* have consciences, and some *rights* which Papists are bound to respect. This is *Bible* land, was so in the beginning, must be so forever. Out of a free Gospel has

come all of grace and strength we possess. Its spirit lives in all our good laws—our educational facilities, our institutions of benevolence, making life and property secure, giving every man a fair chance, lifting up and blessing the down-trodden and oppressed. Put that Bible in bonds, and you do deadly hurt to all that is best in our national life. We have a right to it in our legislatures, our schools, our homes. Let the people rise up and say, "Woe to the man or church that thinks to take it from us, in any of our relations or interests." Let them swear a solemn oath, that that Word which we studied at our mother's knee, which some friendly voice shall read over our new-made grave, that that Word shall never be removed from the places of power in this land, while a voice is left to plead or a hand to strive.*

To these just and stirring words, let all Christians say *Amen!*

CHAPTER XVI.

What Can and Must be Done.

There is a theory abroad, in some minds, that we must treat Romanism differently from other forms of error, that is, must not antagonize it, or denounce it, but rather conciliate it, and win it by ignoring its horrid characteristics. This we regard as an inglorious compromise and a delusion. The old prophets, and apostles, and reformers, resisted and denounced error, and sin, and false religions. Thus did Jesus himself. What would Luther and Melancthon have accomplished if they had not antagonized and denounced Romanism? We should do everything wisely, and in a right spirit, but there is not a reason why we should denounce Spiritualism, or Universalism, or Moham-

* Anniversary Sermon of American and Foreign Christian Union. Boston : 1868.

medanism, or Mormonism, that does not apply with equal if not greater force to Roman Catholicism. The history of the Dublin Union to Romanists, by which five thousand a year have been converted to Christ, proves, that the first and best step to be taken with a Papist is, to expose his errors, and convince him that he is in the way to death.

1. We must have no fellowship with Romanists, as professed Christians. To recognize them as Christians, is to surrender the whole question. If the Papacy is any part of the Church of Christ, then why protest against it? nay, why not go over to it? As it is essentially anti-Christian in doctrines, government, worship, morals and spirit, its history one of corruption, and oppression, persecution and blood, the motto of all who fear God and hope to be saved should be, "NO FELLOWSHIP WITH ROME." And the man who advises such fellowship or recognition, either of people or priests, as "Christian brethren," advises surrender to the enemy, and is already more than half a Papist.

2. *We must preserve our Public School System at any cost.* That is the great sheet anchor of our liberties, and the Papacy know it. Hence the desperate efforts to overthrow it.

The free public school system is the citadel of liberty. The attempt of any ecclesiastical party to control it to sectarian ends should be vigilantly exposed and utterly baffled. In this country, if the schools remain ecclesiastically free, if under no pretence whatever is any form of ecclesiastical authority permitted to intrude upon their control, the efforts of any church at supremacy would be futile. Undoubtedly the hope and aim of the clerical party in this State is to obtain some hold upon the school system. The way to resist is to make the public schools wholly secular. There may be as many private sectarian schools as can be sup-

ported. But the State has no church, and the State schools should be under no special church domination.*

Knowing their avowed aims and purposes as we do, no Catholic should ever be permitted to teach in any public school, nor to have a place in any board of education. They are avowedly disloyal to the system, and, like all rebels, should have no part in its government. Especially should we resist all appropriations from the public school funds, or from the State Treasury, to sustain Romish schools.

3. *We must maintain the Christian Sabbath against all opposition.* The destruction of the Sabbath, in this land, is the triumph of Romanism. Make the Sabbath a holiday, and we could soon have no Protestant worship. Look at the bull fight held on last Easter Sunday in Madrid, Spain, under the auspices of the priesthood and the nobility, at which no less than eighteen bulls were tortured to death, and several horses ripped up by them.

Such is the Roman Catholic Sabbath, wherever they have the power to make it so.

We must use all available moral means, but, if need be, must use other. There are in most of the States wholesome Sabbath laws; and if Romanists set them at defiance, under whatever pretext, they should be prosecuted and punished like other violations of public order.

Why should a military man be fined for an ordinary company drill on the Sabbath, any more than a bishop for calling out a band of music, and disturbing the worship of half a dozen congregations? And, if necessary, there should be Sabbath Committees organ-

* Editorial in Harpers' Weekly, June 27, 1898.

ized in all large towns and cities, whose duty it should be, not only to remonstrate and protest, but to prosecute all such public and defiant violation of the laws of the land. And so as to the refusal of the priests to obey the marriage laws, and to render a proper account of their revenues or salaries—a thing which not one Romish priest in fifty does.

5. *The Religious Press must be more outspoken upon the subject than it has hitherto been.*

We mean no reflection by this remark, but simply that the American Roman question now looming up before the nation, must be given greater prominence than it has hitherto had. Catholic periodicals are ever at work in the one direction of subjugating the country to Popery; while the Protestant Press—or many papers at least—have seldom said a word upon the subject. A recent writer says :

The press, that mighty agency in a free land, should lift up its powerful voice, and like a true watchman publish the approaching danger to all the land. Our journals will more worthily fulfill their mission as guardians of the common weal, by waking up the community to the solemn issue before them, than by sending their reporters to tail off a procession of priests, and take accurate note of the man-millinery that graces the occasion. We have slumbered too long already. The people need *light* and *knowledge*, and when that comes the battle is half won.

And the Press is one of the chief agencies by which this light is to be radiated, and this knowledge diffused. We beg of Protestant correspondents to write, and Protestant editors to print more upon this all-important subject.

And whenever a Protestant minister can do so, he should write for the secular press *in his own village or city*. Most of the Republican papers, and a few of

the other party, will now print well written articles upon the subject. It is coming to be a great public question, and they know that many of their patrons feel in it a lively interest. And we should everywhere avail ourselves of this agency, as far as possible, to counteract the designs of the Papacy. Reader, if you are a minister, do not neglect this duty. Write for the secular papers in your vicinity. The cause of Christ, and the welfare of your country, demand this at your hands.

6. *We need and must have more Preaching upon the subject.* We are the last to censure the American clergy,—the most laborious, self-sacrificing, devoted, and faithful on earth. But ours is a new country, and rapidly advancing, with many excitements and counter currents to arrest the attention and absorb the energies. Slavery and its consequent war have been absorbing subjects for years; so that we have really seemed to have no *time* or *place* for any other great interest, outside of bringing souls to Christ. As a consequence, *Romanism* has for years received scarce any attention from the American Pulpit,—we mean *formal* and *thorough* attention. We have hit the abomination a slap now and then, in treating other themes, but how few of our ministry have ever preached so much as a single sermon on the subject! There has been here and there a Dowling or an Elliott, a Brownlee or a Berg, but their number has been small. For thirty years the writer had been preaching the Gospel, up to the winter of 1866, and yet had never preached the first sermon on Romanism, till special circumstances called his attention to it. And so it has been with others. Has

not the Pulpit of this land virtually withdrawn its protest? So it has been until recently; and while we have slept the enemy has sown his tares. But there is a glorious waking up of the Protestant Pulpit. Ministers are calling for facts—tracts, books, and periodicals—to aid in pulpit preparation; and are speaking out nobly in all parts of the land. Thank God for this good omen! May every Watchman do his duty, now that the sword is coming; and God help the American Ministry to be as faithful and efficient in this our second great national struggle, as they have been in the past, in the great battles with slavery! Reader! If you are one of God's Watchmen, sound the alarm in your congregation. If need be, send for fresh and reliable material, such as most ministers feel the need of in handling this question. Show your people, old and young, saint and sinner, what Romanism is in its *Doctrines, Worship, Experience, Morals, Spirit*, and *Antecedents*; and what they owe to themselves, their children, their country, and their God, in this hour of peril. If you need tracts or books for circulation, take up a collection (if it be but five dollars) for the *American and Foreign Christian Union*, forward it to us, and we will credit you for the whole in our Magazine,* and will send you half the amount in just such things, as you need, for gratuitous distribution in your congregations. Above

* The *Christian World*—\$1.00 a year,—is a 32 page monthly wholly devoted to this subject; and the pamphlets named under "Announcements" (see advertising pages) are full of rich material for the pulpit,—just what all ministers need, and can find no where else.

all things, brethren in the Ministry, *preach on Romanism!* And do it *soon* and *from time to time* till the great question is settled forever, for Religious Freedom and the supremacy of the faith of Christ.

7. *Our children must be enlightened upon this subject,* How little do they know of its doctrines, or character. or history. When or where have they heard or read any thing upon the subject? Popery has a spy in almost every family, in the character of a cook or chambermaid, so that our mouths are well-nigh sealed upon the subject even at our own firesides. In the Sabbath schools it is seldom if ever mentioned, while in all the lists of Sunday School books in the land, taken together, there is not one volume on Romanism in every five hundred. We have many catalogues, and have examined largely, and are satisfied that such is the fact. What a state of things! No wonder that the children of our Protestant families and Sunday Schools are growing up in almost total ignorance of what Romanism is, and with scarcely a prejudice against it.

Meanwhile, the Catholic pulpit rings on from Sabbath to Sabbath against "the Protestant heresies;" and the thousands in their Sabbath and secular schools are not only thoroughly drilled in all their dogmas and superstitions, but are made to hate Protestantism with a perfect hatred. What is to be the result of all this God only can tell. But one thing is certain—we must have more said to, written for, and read by the *youth* of our land, in regard to Popery, or the next generation will be a pray to the seductions of Romanism, and lost to the cause of true Christianity.

8. *We must resist all appropriations from public funds to build up Roman Catholicism.* We should know beforehand, when voting for candidates, whether or not, if elected, they will help to rob Protestants to build up their enemies. And when a man is once known to have voted for *any* such appropriation, it should be the last vote he should ever receive from any American Christians. They do it to *get* votes, and we have no alternative but to let all such men know that they will lose more votes than they will gain by such injustice and perfidy. Let us closely watch our Legislatures and members of Common Councils; and if they betray and rob us to conciliate the Catholics, let us spot them at the ballot-box, as a solemn duty to God and our country. We *must* do it, or we are enslaved and ruined.

9. *Protestants must keep their children out of Roman Catholic Schools,* as they would keep them from the gates of death. They are not only the poorest schools in the land, as to the advantages they afford for a substantial education, but their chief object is to pervert the children of Protestants to the Romish faith. Hence Father Hecker boasts that in this country the schools are the chief agency for converting Protestants; and that seven-tenths of all the children of Protestants who are sent to their institutions, become Papist. And why should it not be so? *That* is their great design; and every thing is skillfully adapted to accomplish its object. And yet we hear of Protestants', and even Methodists' children in such schools, in various parts of the country!

10. *We must use all diligence, and all legitimate*

means to get Roman Catholics converted to the true faith of Christ. At the recent session of the East Genesee Conference (August, 1868), an evening meeting was held, in which some twenty or thirty ministers spoke of their observations in regard to the conversion of Protestants; and some twenty different cases were reported during the meeting. There are thousands who were once Papists, now truly converted, and in the various Protestant Churches.

And while we must oppose and resist the aggressions of the system, we must not cease to labor for the conversion of the Catholic population. They can be reached to a certain extent through tracts and books, and especially if induced to attend revival efforts. They are usually emotional, and if the truth of God is once brought into contact with their minds and hearts, they are as likely to be awakened as any class in the community, and far more so than skeptics and scoffers. Let us, then, ply all laudable means to bring even Catholic laborers and domestics under the influence of the Gospel of Christ, that they may be saved from wrath through Him.

11. *We must fully vindicate Religious Freedom and the rights of conscience;* and let Romanism know that men and women may turn from Popery to Christ, without being murdered, or imprisoned, or abused, or suffering any harm in mind, body, or estate. This is of the first importance. Tens of thousands of Catholics in this country are held to the system only by the dread of the consequences of renouncing it.

We have before us a letter from an aged minister in the West, who has labored much among the Romanists.

He says: "There are thousands in our country who are ready to leave the Catholic Church, if they could be protected. They say, if they leave they will be put to death." This terror the Romish priesthood are laboring to deepen and perpetuate, as an important means of holding their unhappy followers in hand; and this is precisely where Protestantism should first exert itself. The right to worship God according to the dictates of our own consciences, whether we have been Romanists or not, should be fully vindicated in this land, at whatever cost. And in such a holy work every friend of civil and religious freedom should bear a cheerful and an earnest part.

12. *We must stop giving money to build Roman Catholic Churches and schools.*—Who ever knew a Papist to give ten dollars to help build a Methodist or a Baptist Church? And yet let a Romish Church be going up in a village or city, and they will ply every Protestant for money, and thousands of Protestants will give every year for such purposes, to secure trade, or to improve the town. Others, again, though professed Methodists or Presbyterians, but candidates for office, will give in hope of thereby securing Catholic votes. What an *anomaly* and what a *sin* is here! A *Christian* giving money to build up Popery in the land! God pity and forgive all such Protestants! As well give money to a brigand to buy daggers and revolvers, with which to shed the blood of your children when you are dead! Reader! If you have ever been guilty of this folly, however generous the impulse that prompted it, or pure the motive, ask God to forgive you, and be guilty of such folly no more. And warn

others not to imitate your thoughtless and suicidal example.

Romanism is very shrewd to get up fairs, &c., just before elections to bleed the politicians; and that is of but little moment, so far as *they* are concerned; but let no Christian ever give one penny, either directly or indirectly if he can avoid it, to build up Romanism; any more than he would to help buy a barrel of strychnine to poison the Croton Reservoir. That would tend only to destroy the lives of men and depopulate a city; but to build up Romanism tends to the national destruction, and the ruin of souls forever.

13. *We must* VOTE *right, as well as* TALK *and* PRAY *right.* To talk and pray for the religion of Christ, and then vote for Papacy, is another contradiction and sin. To disfranchise men because they were foreign born, was the error of the American party; for a foreign-born Protestant may be as loyal a citizen as one born here. But it is different with Romanists, whether foreign or native born. Their first allegiance is to the Pope; and in any collision of our government with him, they would obey him rather than the government. We have a Roman Catholic party now—whether we wish it or not; and the sooner Protestants unite and vote together, the sooner the rapid encroachments of Popery will be arrested, and the future well being of our country assured. And we must come to this within five years, or it may be too late to retrieve what we shall have lost in less than that period. Think of this, ye who have votes to cast, and let your *religion* and your *politics* go hand in hand.

14. *Finally:—All Protestants must unite in a common*

effort, and work shoulder to shoulder to save these United States from the grasp of Rome.

This is now being done in the support of the *American and Foreign Christian Union*—an organization whose objects are to antagonize Romanism here and everywhere, by tracts, and books, and magazines, and lectures, and sermons, and missions. The principal denominations are already engaged in it, and the M. E. Church is fast wheeling into line, like the cohorts of Blucher, on the field of Waterloo. The following letters upon the subject, may interest the reader :

LETTER FROM BISHOP MORRIS.

SPRINGFIELD, OHIO, March 6, 1868.

REV. HIRAM MATTISON, D. D. :

Dear Sir : I regard the *American and Foreign Christian Union* as a good thing, both as to the proposed object in view, and the kind spirit in which it is prosecuted. Of course I approve of your accepting office therein. The Catholicity of the Union is very commendable, and should be sanctioned by all evangelical churches, as far as practicable.

Wishing you peace and prosperity in your home, and in your official work, I am, dear Brother, as ever,

Yours, in Jesus,
T. A. MORRIS.

LETTER FROM BISHOP SCOTT.

ODESSA, June 28, 1868.

REV. H. MATTISON, D. D. :

Dear Brother : The *American and Foreign Christian Union* is, in my judgment, an institution whose agency is much needed ; and if managed with kindness, wisdom, and unflinching fidelity to the truth, must do great good. All true Protestants, ought to unite in it. The sickly sentimentalism of the so-called Protestants, who yet practically are the real friends of Romish pretension and delusion, ought to be sharply rebuked.

May you be directed and sustained by infinite wisdom and love,
Very truly yours,
L. SCOTT.

The following resolution has been passed, in sub-

stance, by the Baltimore, East Baltimore, Newark, New York East, Providence, New England, New Hampshire, Wyoming, Troy and Upper Iowa Conferences :

Resolved, 1st. That we hereby endorse the character and work of the American and Foreign Christian Union as worthy of the co-operation of the Methodist Episcopal Church, and commend it to the sympathy and co-operation of the pastors and churches within our bounds.

The late General Conference, at Chicago, adopted the following :

The special committee to whom were referred sundry papers bearing upon the American and Foreign Christian Union, beg leave to recommend action by this General Conference, as follows :

Resolved, That we look favorably upon the objects of the American and Foreign Christian Union, and we are gratified to have our people give to it of their funds, so far as in their judgment it shall be consistent with their local and other church interests.

This is the only public organization in the land whose special object is to resist the aggressions of Romanism ; and it is doing a noble work. Its receipts, last year (1867) were \$138,526 44, and it is hoped that they will be still larger for the current year. Its Magazine, the *Christian World* (one dollar a year)—has a circulation of some twelve thousand monthly, and is a power for good wherever circulated. We bespeak for this noble Society the co-operation and support of all friends of a pure Christianity throughout the land.

Such is the history of the Abduction of Miss Smith, and such the startling facts respecting Romanism, and what we can and must do if we would save our beloved country from Popery and ruin.

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
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
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
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BY THE

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AND HER

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FOR

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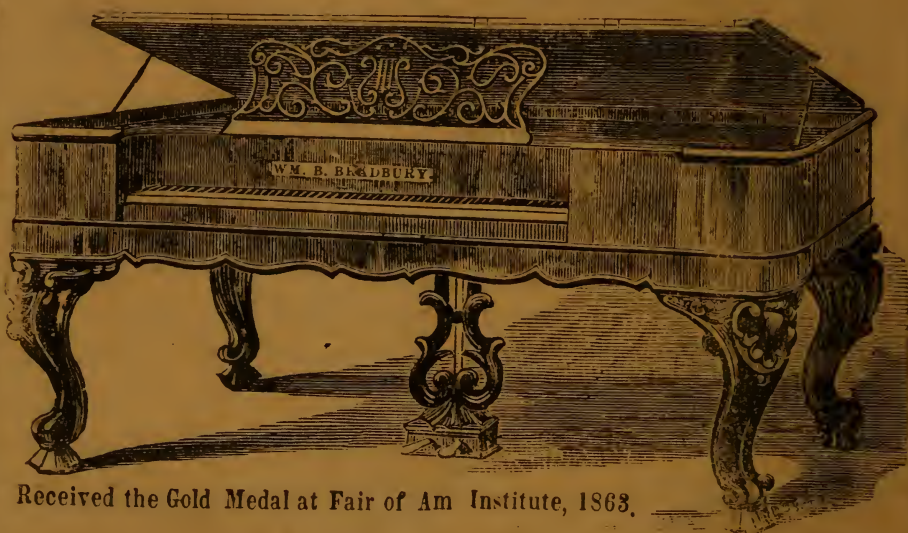
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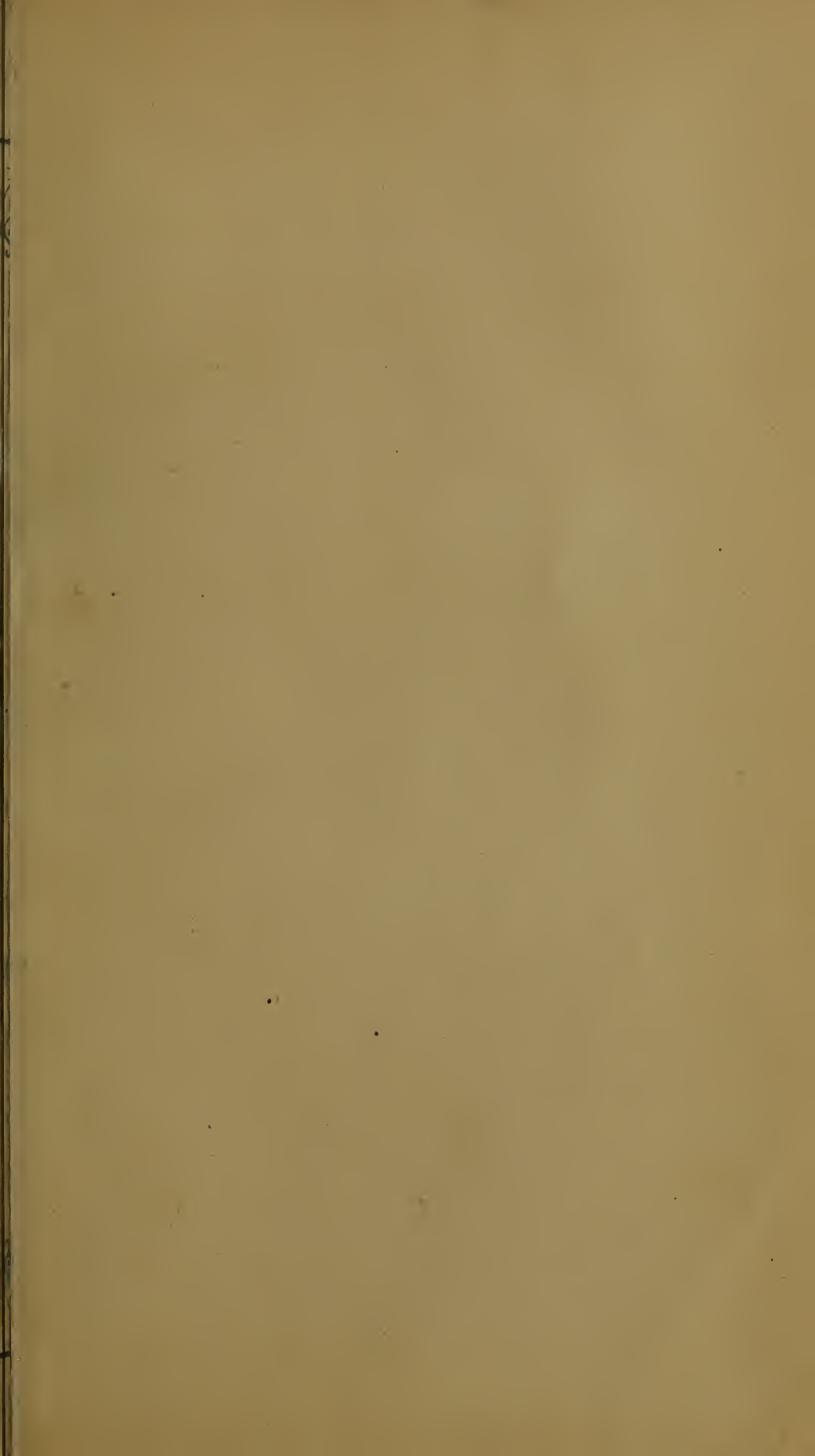
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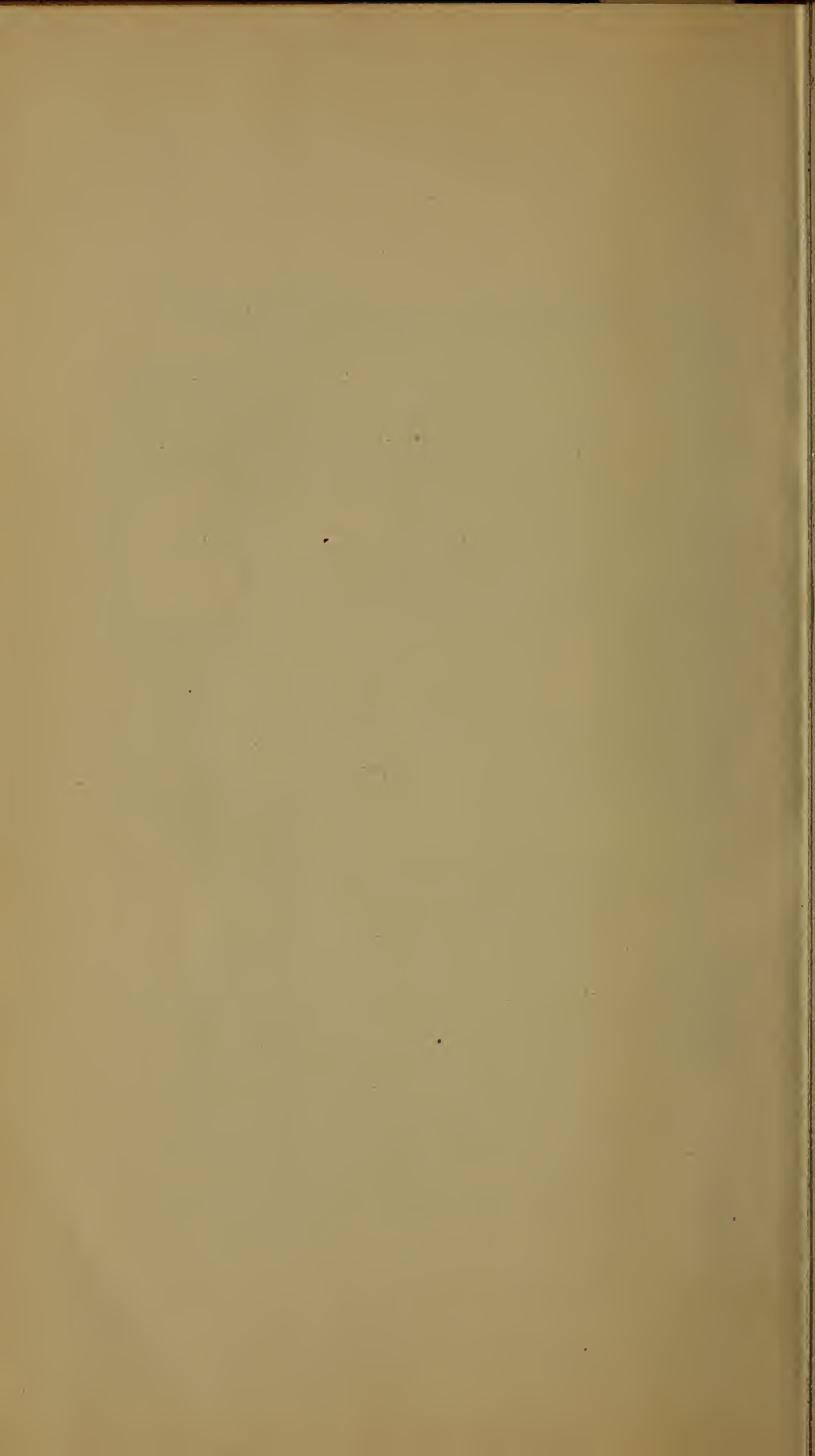
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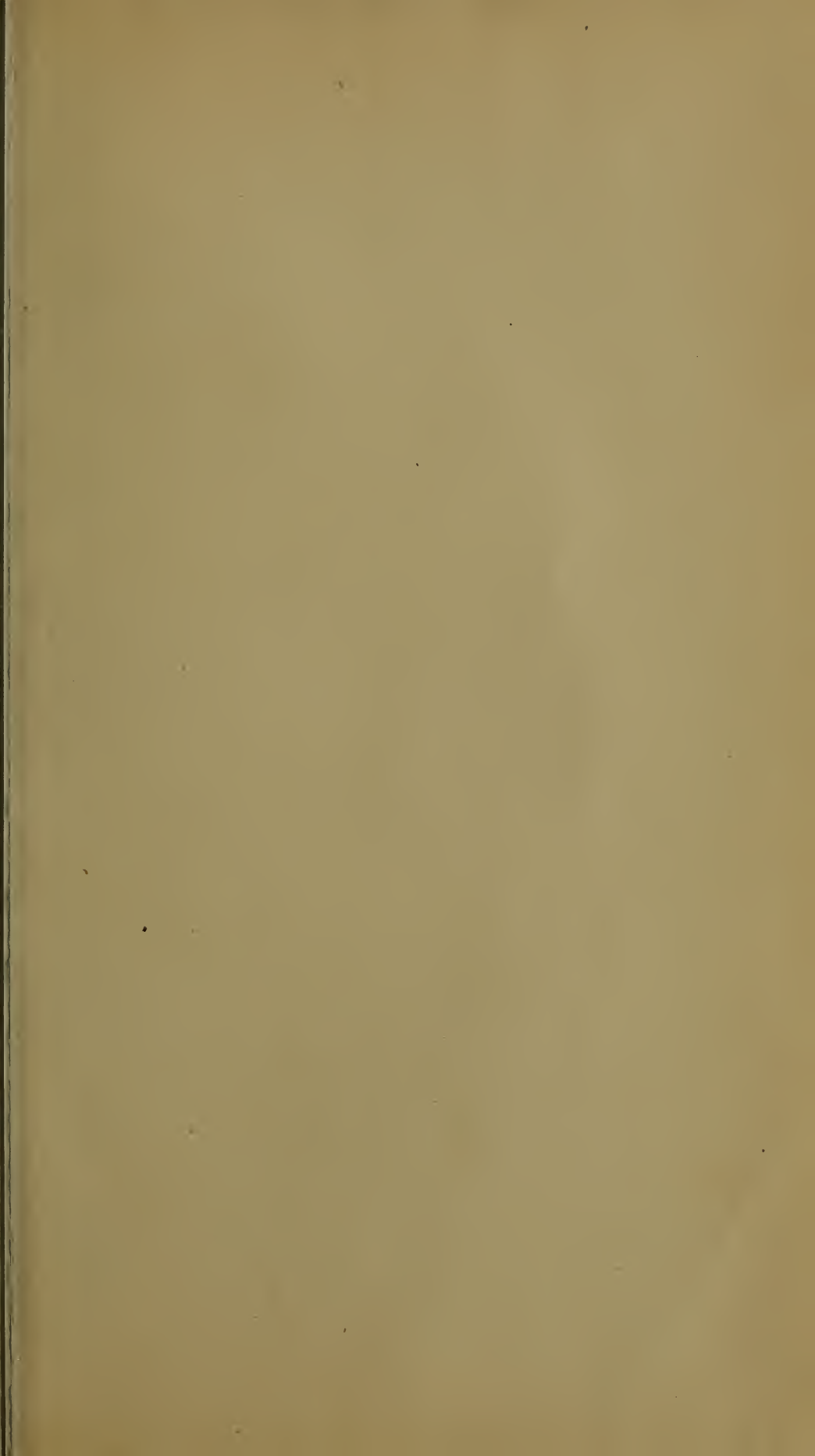
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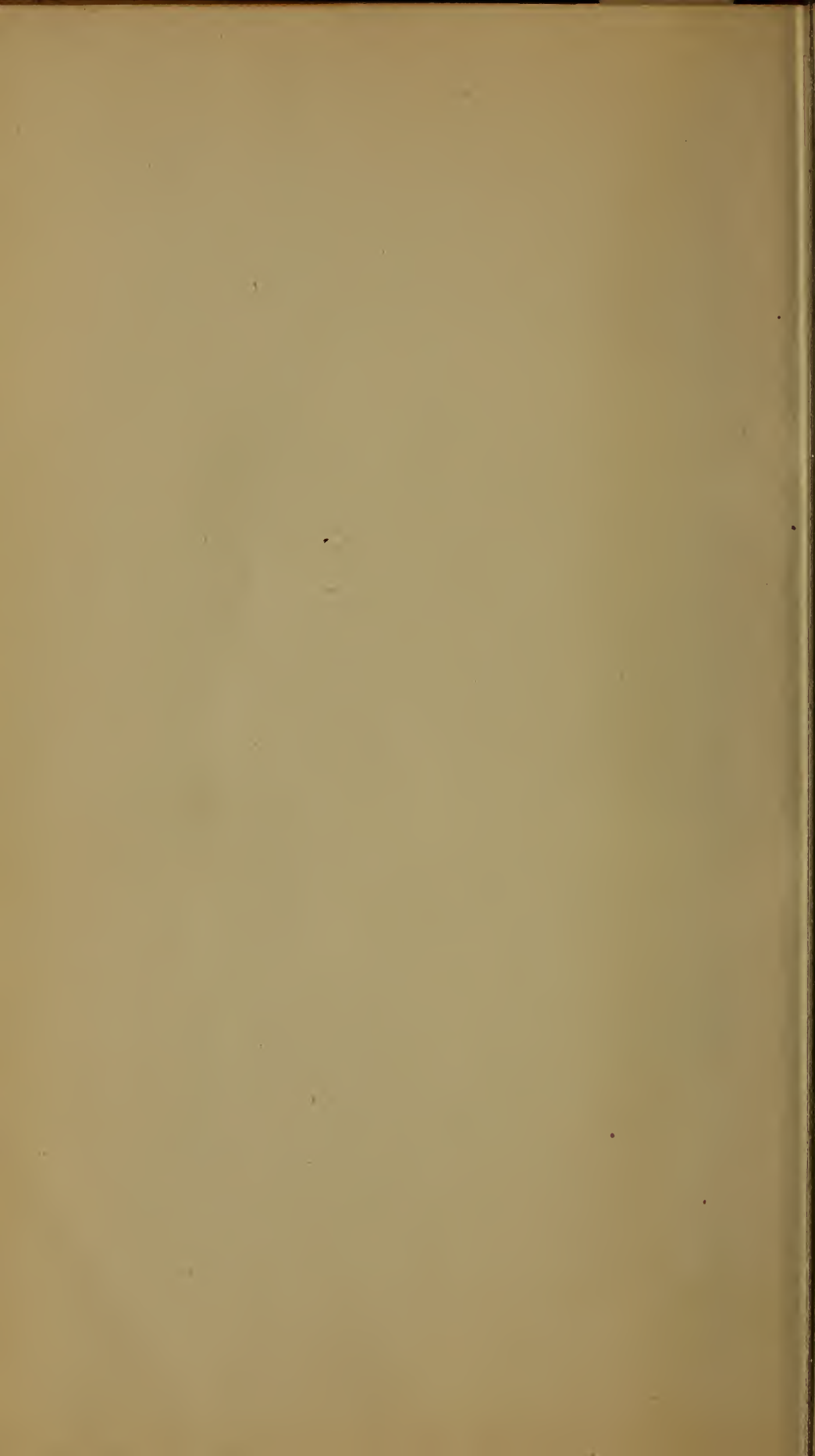
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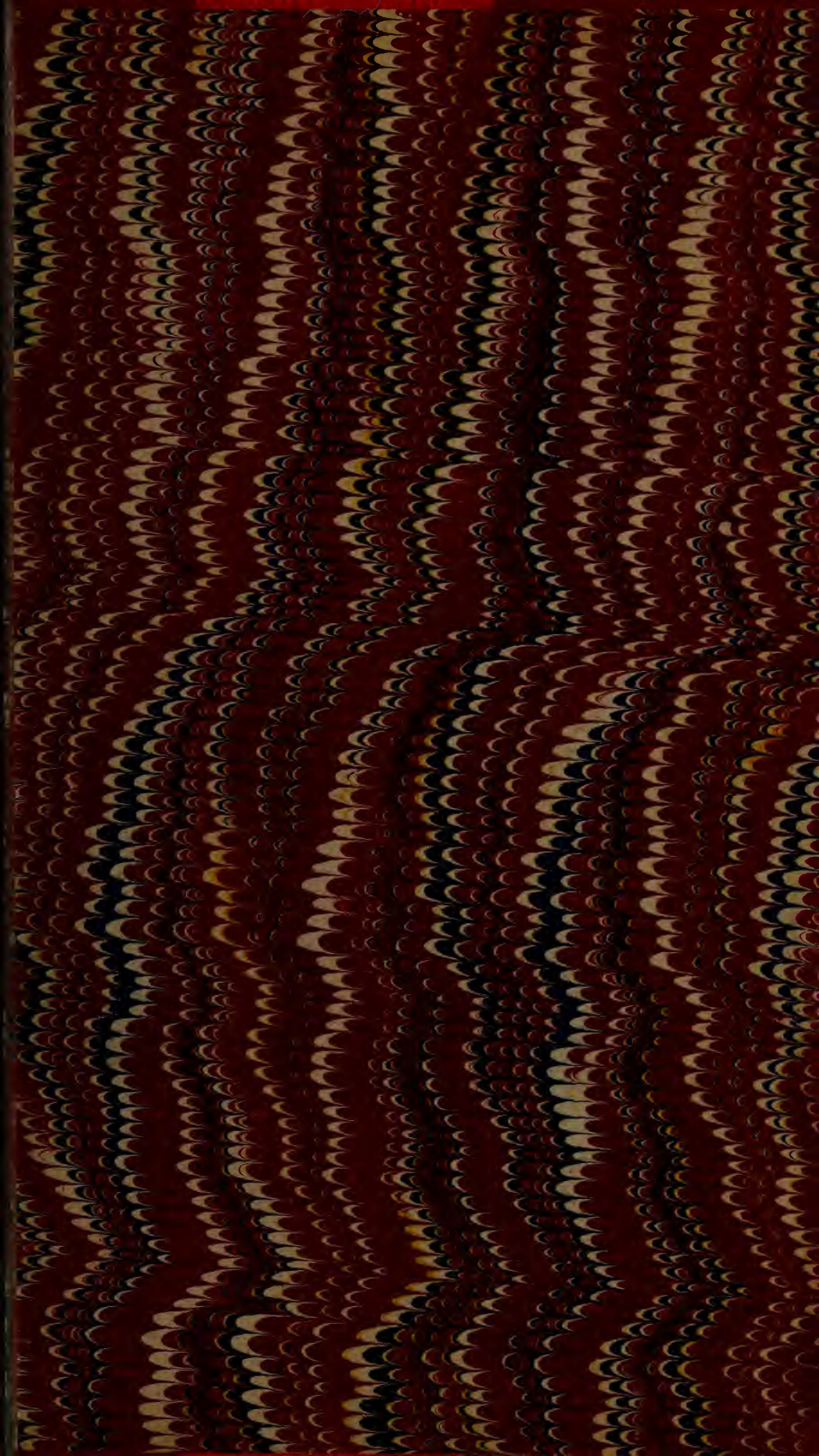


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